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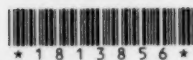
Human Rights Council
Working Group on the Universal Periodic Review
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**National report submitted in accordance with paragraph 5 of
the annex to Human Rights Council resolution 16/21***

Malaysia

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I. Introduction

1. Malaysia underwent its second Universal Periodic Review (UPR) on 24th October 2013 during the 17th Session of the Working Group (WG) on the UPR of the Human Rights Council (HRC). During the session, a total of 232 recommendations were addressed to Malaysia, out of which 150 recommendations were accepted. 113 recommendations were accepted outright; 22 recommendations were accepted in principle; and 15 recommendations were accepted in part.¹

2. The National Report represents the development of human rights situation in Malaysia for the period under review i.e. November 2013–March 2018. It focuses on the follow-up on the outcome of the 2nd UPR which comprises efforts taken by the Government in implementing the accepted recommendations, as well as the challenges faced in the promotion and protection of human rights.

II. Methodology and consultation process

3. The Human Rights and Humanities Division of the Multilateral Affairs Department at the Ministry of Foreign Affairs was tasked to coordinate and prepare the national report². The preparation process was carried out through a national mechanism approach which was established to monitor the implementation of the recommendation. This mechanism included regular engagements and consultations with the relevant government ministries and agencies from April 2014 to May 2018. For effective assessment of the status of implementation, all the accepted recommendations were grouped into 7 Clusters.

4. As a Government which seriously takes into consideration the comments and views from stakeholders on human rights, a series of consultation sessions were held with partners and stakeholders including Civil Society Organisations (CSOs) and Malaysia's National Human Rights Commission (SUHAKAM).

5. The Government appreciates the nature of the constructive approach in the UPR mechanism in the course of promotion and protection of human rights in the country. Malaysia wishes to express its gratitude towards the UN member states that had proposed recommendations during the second review and reaffirm its commitment to engage constructively in the UPR process.

6. That said, Malaysia accepts the need to continuously monitor and track the implementation of those accepted recommendations to ensure that it fulfils its international obligations in promoting and protecting the human rights for all Malaysians.

III. Implementation of accepted recommendations

A. International obligations

Submission of report on CEDAW and CRPD (Recommendation 37)

7. Malaysia looks forward to cooperating closely with all international bodies, including the human rights treaty bodies for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). Malaysia's periodic report on the implementation of CEDAW was submitted in August 2016 and was presented on 20 February 2018 in Geneva. The reports highlighted women's progress in relation to education, health, economy, politics and law in Malaysia. The relevant Ministry is finalizing the CRPD report and will submit it accordingly.

**Cooperation with international mechanisms
(Recommendations 38, 39, 44, 45)**

8. As a Member State of the UN, Malaysia believes that engagement with the Special Procedures of the HRC would contribute positively to its ongoing efforts to promote and protect human rights. Thus far, Malaysia has received 8 visits from thematic Special Procedures.³

9. In the later part of the year, Malaysia will be receiving visits from the Special Rapporteur (SR) on the sale and sexual exploitation of children (September) and the SR on the human rights to safe drinking water and sanitation (November). The Government has also agreed to extend an invitation to the SR on the rights of indigenous peoples and SR on extreme poverty and human rights to undertake a country visit to Malaysia in 2019.

**Ratification to international human rights instruments
(Recommendations 1, 5, 9, 11, 20, 22, 23, 24)**

10. Although Malaysia is not a State Party to the remaining six international human rights instruments, the Government remains committed towards ensuring that Malaysia's legislative framework complies with the fundamental principles expounded in the core Conventions.

11. The accession to the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and International Convention on the Elimination of All Forms of Racial Discrimination by Malaysia can only be carried out after a clear policy direction is made followed by amendments to key provisions of the Federal Constitution of Malaysia (the Constitution), while the discussion on the accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance will be initiated with relevant ministries and stakeholders.

12. As any accession to a treaty is the sovereign right of the State, Malaysia will only decide on the possible accession when the relevant policies, administrative and operational procedures as well as the domestic legal framework are in place to ensure full compliance with international obligations. The Interagency Standing Committee is studying the feasibility of Malaysia acceding to the remaining six human rights instruments.

**Accession to the Rome Statute of the International Criminal Court (Rome Statute)
(Recommendations 14, 26, 27)**

13. The possibility of accession to the Rome Statute needs to be considered carefully as it will involve amendments to the country's Constitution and other relevant legislation in order to ensure full compliance with the obligations stipulated in the Rome Statute. Presently, although Malaysia does not have any specific legislation providing for the crimes specified in the Rome Statute, these acts are criminalised to a certain extent as ordinary crimes under the Penal Code and various other Malaysian laws.

**Accession to the Optional Protocols to the CRC
(Recommendation 7)**

14. Malaysia acceded to the First and Second Optional Protocols (OP) to the Convention on the Rights of the Child (CRC) on 12 April 2012. Malaysia has in place adequate legislative, administrative and policy framework to cater for the protection and needs of children and the promotion of their physical, mental intellectual and emotional development. The enactment of the Child Act 2001 has provided for child protection and development in line with the CRC. Therefore, while not acceding to the Third OP to the CRC on a Communication Procedure, Malaysia firmly believes that Malaysia has adequate mechanism and procedures in place to deal with child issues. Nonetheless, Malaysia will continue to assess the necessity to accede the OP.

15. Notwithstanding that, Malaysia's legal system provides an avenue of recourse for all children whose rights under the CRC are breached.

B. Civil and political rights

Promotion and protection of civil and political rights in general (Recommendation 61)

16. The Government continues to take various measures in terms of policy decisions and legislation to achieve a balance in terms of securing economic, social and cultural rights and that of civil and political rights. Since 2013, the Government has repealed the Emergency (Public Order and Prevention of Crime) Ordinance 1969 as part of its continuous efforts to achieve the balance.

Death penalty (Recommendations 106, 105, 107, 116)

17. Section 39B of the Dangerous Drugs Act 1952 was amended by abolishing the mandatory death penalty for the offence of drug trafficking. The amendment which came into force on 15 March 2018 gives discretion to the Court in terms of sentencing, whereby the Court has the option to either impose the death penalty or life imprisonment based on the facts and circumstances of each case.

Right to fair trial (Recommendation 147)

18. In Malaysia, every detainee is guaranteed the right to a fair trial. For cases to be tried in court, the detainee has various rights such as the right to appoint a lawyer of his/her choice. Any conviction at the trial court level may be appealed to the higher courts as entrenched in the Criminal Procedure Code.

Rights to freedom of assembly (Recommendations 163, 164)

19. The Government will continue its relentless efforts to ensure the enjoyment of the rights to freedom of peaceful assembly as enshrined in Article 10 of the Constitution through the implementation of the Peaceful Assembly Act 2012 (PAA). The Government is also committed to the promotion and protection of these rights so long as it is in accordance with existing domestic laws. Throughout the period of 2013–2017, the Government had approved 25,901 public assemblies out of the 26,685 applications submitted, which amounts to 97.1% of approval percentage.

General elections (Recommendation 170)

20. All investigations regarding applications on the conduct of elections by the Election Commission (EC) and other relevant authorities are done in accordance with domestic laws within the specified time period. For the aggrieved party, there are avenues of redress available under the relevant laws.

21. A petition to challenge the result of the elections can be made to the High Court to determine whether the election was conducted accordingly by the EC. Article 118 of the Constitution provides an avenue for any qualified citizen to challenge the election results. Election petition must be presented to the High Court within 21 days after the result is gazetted, either by the candidate, his/her election agent or a registered voter in the constituency.

22. Every election petition shall be tried by the Election Judge¹ within 6 months from the date of the presentation of the election petition. Appeal against the determination of an Election Judge can be presented to the Federal Court within 14 days from the date of the determination, which will be settled within 6 months. The decision of the Federal Court is final.

Sedition Act**(Recommendations 48, 49)**

23. The Government is in the midst of conducting consultations with the relevant ministries and agencies to review the Sedition Act.

Adherence to human rights during enforcement operations**(Recommendation 77)**

24. Elements pertaining to the use of force and strict adherence to human rights standards have been incorporated in the training of law enforcement agencies. These elements are also stated in their respective Standard Operating Procedures (SOP).

Protection of the rights of minorities**(Recommendations 97,153,155)**

25. The Government organised programmes to further strengthen inter-racial and inter-religious interaction and respect among the various religions and ethnic groups based on the provisions stipulated in the Constitution. To that end, through the cooperation between religious and race-based organisations, ministries, agencies and local universities, interfaith dialogues were organised at the local, regional and international levels.

26. While the Constitution clearly states that Islam is the official religion of the country, the right to profess and to practise any religion is also clearly stated in the Constitution. For that reason, the Government is firmly committed to establish a culture of tolerance and harmony in order to better promote the well-being of humankind as the main factor in preserving Malaysia's peace and harmony. Insulting any religion is considered to be a criminal offence and is punishable under Malaysian laws.

Initiative to prevent torture**(Recommendations 76,125)**

27. All forms of ill-treatment including torture are strictly prohibited in Malaysia. In this connection, elements pertaining to the use of force, treatment and strict adherence to human rights standards have been incorporated within the training of law enforcement officials in the relevant SOPs. The Inspector General of Police had issued an SOP to this end including on Security Offences (Special Measures) Act 2012 and the facilitation of peaceful assemblies under the PAA.

28. Although Malaysia is not a signatory to the UNCAT, the Government does not condone any form of torture. The Penal Code criminalizes acts which may be deemed as torture and causing hurt. Besides the Penal Code, litigants may also file a civil suit due to torture for civil remedy.

29. SUHAKAM also conducted seminars, workshops and training activities as part of its awareness programme and provided education related to human rights to enforcement agencies based on the Human Rights Commission of Malaysia Act 1999.

Freedom of expression**(Recommendations 160,169)**

30. Generally, journalists and bloggers in Malaysia are free to exercise their right to freedom of expression. Freedom of opinion and expression is enshrined in Article 10 of the Constitution. The Government is also committed to ensuring that all citizens enjoy their fundamental liberties so long as it does not impinge on the exercise of the rights of others.

31. The public space for Malaysians has increased with the advent of the internet and social media. Nonetheless, in reporting news or publishing articles, online news portals, blogs and social media platforms have to ensure that the information they have made available online is accurate, not designed to mislead, and does not breach the laws of the country.

32. The newly formed Government is currently reviewing the Printing Presses and Publications Act, which has been seen to be a tool to muzzle the media and limit access to

information. In addition to this, the Government is in the midst of establishing a Media Council with the participation from relevant parties with a view to establish an independent media regulatory body.

**Judicial reform and detention
(Recommendation 127,148)**

33. The Malaysian Judiciary has embarked on the restructuring of the Court System to expedite the disposal of cases and to strengthen the independence of the judiciary. The Malaysian Judiciary also introduced the e-Court system (case management system, court recording transcription and e-filing) to ease the management of the court files and set up a Key Performance Index for disposal of cases which the Courts are required to meet every month to ensure that cases be heard and disposed of within the stipulated timeframe. To this end, the Judiciary has also received international recognition⁵ for its efforts.

34. A supporting mechanism in ensuring judiciary independence is having a Judges' Ethics Committee that carries out inquiry into complaints against judges on breaches of the Judges' Code of Ethics. Article 125 of the Constitution states that the judge may be removed on the ground of any breach of any provision of this Code.

35. All arrests and detentions made are in compliance with laws and regulations as well as acceptable human rights standards. The Constitution provides that every arrested person or detainee shall be informed of the ground of his arrest and is allowed to legal representation of his choice.

36. Malaysian authorities are committed to ensuring that its prison facilities are in good condition and in compliance with international standards including the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the Bangkok Rules.

C. Economic, social and cultural rights, and the rights of indigenous peoples

37. The Government is striving to achieve sustainable development by balancing the development growth of both urban and rural areas through the 10th and 11th Malaysia Plan (MP) and the Government Transformation Programme (GTP).⁶

38. During the implementation of the 10th MP from 2011 to 2015, the Government invested significant resources to enhance the wellbeing of the people. Improvements in the healthcare sector led to an increase in life expectancy, decrease in infant and maternal mortality rates, and improvements in access to healthcare services. Housing programmes improved affordability for both low and middle income households and guidelines were developed to create more conducive living environments.

39. Similarly, in the 11th MP (2016–2020), wellbeing remains a priority with improvements in the healthcare sector focusing on addressing underserved populations, improving the health system delivery to enhance efficiency and effectiveness, and intensifying collaboration with the private sector and non-governmental organisations (NGOs). Apart from these, housing support⁷ will be maintained for the poor, low and middle-income households, including youths and newlyweds.

**Promoting social and economic rights
(Recommendations 62, 63, 64, 173)**

40. In the 10th MP, the Government focused on uplifting the standard of living of all Malaysians, especially the bottom 40% (B40) households. The strategies implemented were:

- (a) increasing access to capacity and capability building programmes and education;
- (b) increasing income generation potential through entrepreneurship;

- (c) strengthening access to basic amenities; and
- (d) implementation of specific programmes for special target groups such as the indigenous people in Sabah and Sarawak.

41. In strengthening the national development programme, the 11th MP promotes four main thrusts namely: i. enhancing inclusiveness towards equitable society; ii. improving well being for all; iii. accelerating human capital development towards enhanced nation; and iv. re-engineering economic growth for greater prosperity.

**Addressing income inequality and poverty eradication, inclusive of the indigenous peoples
(Recommendations 79, 80, 81, 82, 83, 84, 85, 86, 214, 215, 216)**

42. Malaysia has re-categorised its poverty eradication programme⁸ by expanding the target group to include households which fall within the B40 of the lowest income group.

43. In this connection, the Government identified several strategies under Chapter 3 of the 11th MP i.e. Enhancing Inclusiveness towards Equitable Society. These strategies included:

- (a) Raising the income of B40;
- (b) Enhancing Bumiputera Economic Community;
- (c) Empowering minority groups; and
- (d) Addressing the needs of special groups.

44. The implementation of social protection programmes across agencies were coordinated under a central council to increase efficiency, supported by strong linkages of existing databases. The targeting of assistance recipients were also refined to be more need-based with consideration on demographic and geographical factors.

45. The Government had also introduced the Fair Price Shop Programme whereby consumer goods are sold at reasonable and competitive prices without compromising on the quality.

46. The 11th MP focuses on improving the quality of life of the indigenous people through income generating activities, providing modern infrastructure in traditional settlement, education opportunities and medical assistance, thus addressing concerns of the vulnerable and disadvantaged groups.

47. Other programmes included economic related activities, resettlement initiatives, infrastructure facilities, electricity and treated water supply. One of the resettlement initiatives i.e. the Integrated Village Development Project in Perak comprised facilities such as schools, community halls and other social amenities in one area.

48. The Government provided support to increase awareness on the importance of education among the indigenous community. One such programme, the Student Excellence Programme is designed specifically to cater to indigenous children to improve their level of education. To encourage more indigenous children to attend secondary school, the Government provided assistance in terms of transportation and pocket money. A special scholarship programme was also created to increase the number of indigenous students to continue their education to tertiary level, including at overseas institutions.

49. To enhance the skills⁹ of the indigenous people, the Government provided additional training programme for marketing and setting-up small businesses such as packaging, labelling, marketing, including online platform and also soft-skills in basic accounting and business management. The trainees were provided with an allowance, meal and accommodation for the duration of the course.

50. The community's economic potentials were identified and developed through programmes such as agriculture, tourism and entrepreneurship expertise. Among others, the Government introduced income-generating programmes and other commercial agricultural activities, such as commercial oil palm and rubber to further spur their socio-economic advancement.

51. For the people of Sabah and Sarawak, the 11th MP¹⁰ emphasised on raising the income of all, reducing income disparity in the States, improving rural basic infrastructure, and introducing various programmes to create economic opportunities.

52. One of the people centric programmes that was carried out under the *Program Khas Anak Negeri* (PKAN) Sabah and *Program Khas Bumiputera* (PKB) Sarawak was the Native Customary Right Land Survey Programme.¹¹ The objective of the programme was to safeguard and protect the rights of the natives in Sabah and Sarawak with the aim to increase land ownership by the natives. Lands that have been surveyed will be developed with crops such as rubber and palm oil in order to uplift the socio-economic wellbeing of the natives in both States.

53. The Government also developed the Rural Transformation Centre (RTC), Mini RTC and the Rural Service Centres in remote areas in Sarawak for the Penan peoples. All of these facilities were built at strategic locations to provide basic and essential facilities, a place for the community to gather and socialise and encourage a more coordinated way to implement programmes among government agencies.

54. Malaysia also continuously shares its experiences in poverty eradication and the eKasih database through its involvement in various international meetings, fora and conferences such as the Association of Southeast Asian Nations (ASEAN); the United Nations Economic and Social Commission for Asia and the Pacific; the ASEAN Ministers Rural Development and Poverty Eradication; African-Asian Rural Development Organisation; and Centre on Integrated Rural Development for Asia and the Pacific.

Improving access to social services (Recommendations 171,172,176,186,187)

55. The wellbeing of the people is of paramount importance with emphasis on healthcare services, public security, affordable housing, social integration, and sports under the 10th and 11th MP.¹²

56. The Government introduced affordable rental housing programmes for youths in urban areas and the Second-Generation Housing Scheme for youths in the rural areas. Under the Second-Generation Housing Scheme, the Government subsidises 30% from the total price of RM65,000 to RM150,000 per house.

57. The Government also created outreach programmes to encourage civil registration especially in rural and remote areas with the aim to facilitate access to social services. The implementation of the MyDaftar programme by the National Registration Department (NRD) has helped those without documents. A total of 227,481 applications in 8,412 separate outreach programmes were facilitated by the NRD from 2012 to 2017.

58. In support for Special Educational Needs (SEN) children, the Special Education Services Centre provided interventions for students undergoing full or partial inclusive programmes in schools across the nation. The support services included assessment of the student's level of performance and abilities, intervention plan to help increase learning potential and well-being of SEN students as well as consultation with students and teachers on SEN management related issues.

Improving access to health care services (Recommendations 177,178,179,180,181,182,183,184,188,189,190)

59. Malaysia continuously takes action to improve coverage and accessibility to health care based on population health needs. This is carried out including through the 11th MP which is aligned with the Sustainable Development Goal (SDG) 3 and other health related goals for 2016-2020 in support of the Universal Health Coverage.¹³

60. The Ministry of Health (MOH) delivers services to its population through a network of static clinics and hospitals complemented by mobile services by land, water and air such as the Flying Doctor Service and innovative strategies to improve access to urban and rural areas.¹⁴

61. The Government introduced the *Program Komuniti Sihat Pembina Negara* which empowers members of the community to carry out and practise healthy diets and behaviours. Health promotion programmes for communicable diseases were expanded, including the Communication for Behavioural Impact Programme, aimed to mitigate the risk of dengue.
62. Non-citizens also have access to public health services at a specified rate. Foreign Workers Health Insurance Protection Scheme is a mandatory insurance scheme for documented foreign workers covering in-patient services at government hospitals.
63. Through the Home-Help Services, the welfare of the community is promoted through activities and support for vulnerable groups (senior citizens, persons with disabilities (PWDs) and single mothers). Holistic health and social supports were provided with the aim to increase access to health services, early detection and treatment of health problems and to empower families and communities to help and care for these groups.¹⁵
64. Malaysia acknowledges that training of healthcare providers such as long term training of pre-service and in-service healthcare human capital, including medical specialists, dentists, pharmacists, nurses and allied health sciences officers is an important element in providing quality health care services. Throughout the year of 2013–2018, RM 1.506 billion was allocated for such training to 66,661 personnel.
65. The Government also collaborated with local and foreign universities to increase the workforce of its medical specialists in the health sector. In 2017, a new specialist training programme, in collaboration with the Royal College of Surgeon, UK began to complement existing local medical specialist training.
66. The Government provided services on family planning, reproductive health services and parenting skills through its one-stop family centres, clinics and mobile services to cover both urban and rural population. The National Population and Family Development Board (LPPKN) also implemented outreach programmes in urban and rural areas in order to attain its target population through its mobile services.¹⁶
67. Maternal mortality ratio in Malaysia currently stands at 29.1 per 100,000 live births (as of 2016). Confidential Enquiry to Maternal Death showed an increasing trend of deaths due to existing medical associated conditions. Based on this finding, pre-pregnancy care was implemented as an early intervention for women with medical conditions and significant obstetric complication in previous pregnancies.
68. In strengthening the Sexual Reproductive Health services for adolescents, the Government developed a National Guideline on Management of Adolescent Sexual Reproductive Health Problems for health care providers that took into consideration the legal, ethical, socio cultural and religious perspectives. The areas covered were management of teenage pregnancy and request for abortion, management of abuse, sexually transmitted infections and contraceptive services.
69. Regular trainings were conducted annually and the trend of new antenatal cases among adolescents registered at government primary health care facilities decreased from 18,652 (2011) to 9,617 (2017).
70. Through multi-sectoral and high impact programmes outlined in the series of National Strategic Plans, Malaysia achieved the Millennium Development Goals target that halved HIV infections between 2002 until 2015. Moving on to achieve the SDG target, Malaysia is set to embark on fast track and long-term responses to end AIDS in 2030 as outlined in the country's National Strategic Plan for Ending AIDS 2016-2030 (NSPEA).¹⁷
71. Currently, all government health facilities¹⁸ are providing free HIV screening facilities. In 2017, more than 50,000 people accessed government facilities for voluntary HIV screening. The annual number of newly reported HIV cases has been on a steady decline from 6,978 in 2002 to 3,347 in 2017. Similarly, there has been a decline in the number of AIDS-related deaths and this is directly attributed to the introduction of more affordable and accessible first and second line antiretroviral treatment.
72. Malaysia continuously shares experts' knowledge and skills with other countries and conducts study visits/training programmes in Malaysia in collaboration with the World

Health Organisation (WHO). Malaysia also shares best practices at regional and international platforms.

Improving access to education

(Recommendations 191,192,193,194,195,196,197,198,199, 200, 201, 202, 228)

73. Malaysia continues to provide quality education to all in a holistic manner. The Government has aligned all initiatives in the Malaysia Education Blueprint (MEB) 2013-2025 to the SDG 4 strategies and the 11th MP. Malaysia strives to ensure universal access and full enrolment from pre-school to upper secondary school level by 2020 by developing attractive and viable education pathways for all children. There is no gender discrimination in terms of legislation, policy, mechanisms, structures or allocation of resources. In addition to this, efforts to improve the access to education have been made through various initiatives.¹⁹

74. The Malaysian education system embarked on a comprehensive transformation programme through MEB over a period of 13 years (2013-2025). In 2017, the number of public pre-schools was 6,096 nationwide while the enrolment for pre-schools in 2017 was 204,105. The Government continuously encouraged and supported private pre-school providers to open more pre-schools especially in rural areas to increase children's access to early childhood education. The Gross Enrolment Rate for primary education was at 97.9% whilst for the secondary education was at 91.3% in 2017.

75. Greater opportunities have also been provided to SEN students. The proportion of SEN students in inclusive education increased to 40.88% in 2017. The enrolment of *Orang Asli* students has also increased to 38,834 in 2017.

76. The Government also strengthened Sports Schools to develop the nation's future athletes, Arts Schools to develop artistic talents among youth and the K9 Comprehensive School to address illiteracy and dropouts among *Orang Asli* and the natives of Sabah and Sarawak.

77. *Sekolah Bimbingan Jalinan Kasih* (SBJK) started its operation in 2013 to provide access to formal education in a safe environment to marginalise street children with the aim to ensure these children continue their education besides protecting them from various social vices. Poor Students Trust Funds and scholarships were extended as financial assistance for students from low income families.

78. The Government also provided support for Lifelong Learning through the establishment of community colleges and open universities to encourage continuous learning. The enrolment in 2017 was 506,557 compared to 501,896 in 2016. Additionally, in providing the right environment for students to develop skills in communication, collaboration, creativity and critical thinking, most schools were equipped with internet connectivity.

79. The Government had also identified initiatives to further improve the teaching profession. The Government prepared long term demand and supply of teachers for schools nationally to ensure adequate teachers were trained for all schools, especially for placements in rural and remote areas.

80. The Government also developed standard guidelines for teachers i.e. the Continuous Professional Development Master Plan, the Performance Standard, and the Job Description to maintain the high standard of teaching professionalism. The Malaysian Teacher Education Curriculum was also developed in tandem with global education policies to address the changing landscape of higher education and future opportunities, regardless of gender. Teachers were equipped with the pedagogy to accommodate teaching and learning processes with the different levels of students' abilities and learning styles.

81. In order to promote literacy and access to education for all, the Government allowed other organisations to implement alternative education programmes.

82. Under the Alternative Education Policy (AEP), non-citizen children are allowed to enrol into Alternative Learning Centres (ALCs) operated by private organisations or NGOs. AEP allows, on humanitarian grounds, private organisations and NGOs to set-up

Community Learning Centres to provide access to education to non-citizen children of documented migrant workers in plantation areas in Sabah and Sarawak.

83. The Government also participated in dialogues and conferences on mainstreaming the rights to education in the ASEAN community, highlighting cross cutting issues and creating platforms to strengthen regional cooperation on education and human rights. The Government cooperated with international bodies in the sharing of experiences and lessons learnt in areas of rights to education and was involved in various international platforms to provide recommendations on how to improve the SDG 4 targets for inclusive and equitable education.

84. The Government focused on increasing the attendance rate in schools for *Orang Asli* and the natives of Sabah and Sarawak and initiatives were carried out to ensure the indigenous peoples receive quality education relevant to their needs. To date, there are 93 public primary schools exclusively for the *Orang Asli*. The provision of appropriate and holistic education programmes had successfully raised the attendance and the transition rates of the indigenous peoples. As of 2018, 8 K9 schools are in operation nationwide. Four K9 schools offer Basic Vocational Education to enable the indigenous students to receive the Malaysian Skills Certificate and continue to higher levels of certifications in vocational colleges.

85. The Government also established a programme to encourage *Orang Asli* children who have completed their primary school education to continue their education to secondary school. Under this programme, the Government provided financial assistance and transportation to reduce the dropout rate in secondary schools.

D. Women, children and persons with disabilities

Promotion and empowerment of the rights of women and its awareness towards gender equality (Recommendations 65, 66, 67, 68, 69, 70, 94, 95, 96)

86. The Government is cognizant of its international obligations as a signatory to CEDAW and the pledges made to the implementation of the Beijing Platform for Action and continues its commitment to ensure Malaysian women and girls have equal opportunity at all levels.

87. The Women's Advisory and Consultative Council was established in August 2015 to empower women in line with the National Policy on Women and its Plan of Action for the Advancement of Women. The Council is assisted by 5 Working Committees based on the 5 strategic clusters (health, safety, economy, culture and education) of the Women Empowerment Year 2018.

88. Malaysia has exceeded the 30% target by having 35.8% of women in decision making positions in the public sector. However, in the corporate sector for public and private-listed companies in 2016, it is 29.9%. From 2012–2017, 1,051 competent women candidates also underwent the Women Directors Training Programme which included board readiness assessment and training on technical and soft skills to ensure continuous availability of qualified women for the corporate sector. As of 30 September 2017, women made up 19.7% of the board of directors in the top 100 public listed companies by market capitalization listed in Bursa Malaysia compared to the 18.0% target set by the Government.

89. Under the 11th MP, women empowerment continued to be a priority whereby programmes were held to increase female labour participation rate from 54.3% in 2016 to 59% in 2020. Such measures were in line with the strategy to transform Malaysia into a high income nation by 2020 under the Economic Transformation Programme.

90. The Government had also undertaken several economic empowerment programmes for vulnerable women, especially those in the B40, single mothers, widows, and indigenous groups. Among the programmes implemented involved start-up of business through Development of Women Entrepreneurs programme and capacity building for small and

medium enterprises as well as Entrepreneurs Assistance Programme specifically for indigenous women. In addition, indigenous women were given training under the Skills and Career Training Programme to enhance their skills to earn a better income and improve their standard of living. Skills trainings were also conducted for rural women.

91. Under the national Budget 2018, the Government listed 4 measures to elevate the role of women in the country i.e. by making it compulsory by the end of 2018 for government-linked companies, government-linked investment companies and statutory bodies to ensure that at least 30% of their board of directors are women; to increase maternity leave from the current 60 days to 90 days in the private sector; allocation of RM 20 million for training and entrepreneurship programmes for women; and an individual tax exemption for women who opt to return to work after being out of the job market.

Promotion and protection of the rights of children

(Recommendations 71, 72, 73, 149, 150, 151, 230)

92. The Government is acutely aware of its responsibility in ensuring the physical, emotional, safety and welfare of children. To this end, the Government implemented the Wise Kid Save and Protect Campaign in 2014 to disseminate information related to the safety of children and create awareness amongst children in school.

93. Regarding the registration of all newborn children, the Births and Deaths Registration Act 1957, Registration of Births and Deaths Ordinance 1948 (Sabah Cap.123) and Registration of Births and Deaths Ordinance 1951 (Sarawak Cap.10) stipulates that all children born in Malaysia, regardless of the nationality or the legal status of their parents, have access to formal birth registration procedures and birth certificates. It is also imperative to highlight that the existing laws empower qualified informants to furnish information to the Registrar concerning the birth.

94. The Government, through the NRD, embarked on several programmes to encourage registration of births including Integrated Birth Registration System with major hospitals across the country. This initiative allows details of births to be collected on-site at the hospital, which is linked online to the NRD. This would facilitate registrars in following-up with late cases of birth certificate application. Additionally, the NRD established the Mobile Registration Teams who travel to provide access to birth registrations in remote areas nationwide. The NRD had also set up offices at RTC to expedite registration of births in rural towns.

95. With regard to the protection of children, under the Child Act 2001, Courts For Children were established to hear all cases involving children in conflict with the law (except those accused of crimes that are punishable with death, where a child is co-accused with an adult, or where a child has turned 18 years of age before being formally charged). Each Court is presided by a Magistrate and assisted by 2 advisers, one of whom must be a woman, to advise the Court with respect to any consideration affecting the order made upon the child. Proceedings of the Court are held behind closed doors except for members and officers of the Court, the child and his/her parents/guardians, advocates, witnesses and other persons directly concerned with the case. The Court also requires the attendance of the child's parent/guardian at all stages of the proceedings unless it is unreasonable to do so or not in the best interest of the child.

96. The Sexual Offences against Children Act 2017 that came into force on 10 July 2017 provides for certain offences and their punishment in addition to sexual offences against children in other written laws. These sexual offences include child pornography, child grooming and sexual assault. Under the law, the offenders could face imprisonment up to 30 years and whipping. Following the passing of the Sexual Offences against Children Act 2017, a special criminal court on sexual crimes against children was established on 22 June 2017. The court is equipped with child-friendly facilities and there are specialised judicial and legal officials to expedite the hearing of such cases.

97. The Evidence of Child Witness Act 2007, was enacted to protect child witnesses by incorporating child-friendly procedures during the court process to reduce trauma experienced by these child witnesses by, enabling a child witness to give evidence in the courtroom but shielded by a screen between him and the person charged with the offence,

or alternatively, by live link or by video recording. The Court may allow a child witness to be accompanied by an adult while giving evidence in any proceedings subject to certain specified conditions. In addition to the aforesaid, the Government is continuing its previous policies such as the National Child Policy and National Child Protection Policy.

98. In collaboration with the United Nations Children's Fund, the Government established a Child Care and Child Protection Unit to develop the competency of the Child Protection Officers based on international best practices comprising care, safety and protection of children with the support from parents, guardians and family members. The Unit has also been established at all District Social Welfare Offices.

99. With regard to marriage, the minimum age for non-Muslim marriages and Muslim marriages is provided for under different laws.²⁰

100. The Government does not condone forced marriages. Section 22(6) of LRA provides that no marriages shall be solemnized unless the Registrar is satisfied that both the parties to the marriage freely consent to the marriage while Section 37²¹ provides the penalty for any person who uses any force or threat to compel a person to marry against his/her will.

101. In its effort to address child marriage, the Government established the Child Marriage Task Force under the Coordinating Council for the Protection of Children. The task force consists of relevant government agencies, academics and activists to identify related issues in child marriage. The task force had proposed for the production of medical reports and social reports to be considered by Syariah Judges and the Chief Minister as well as the indigenous chief before approving a child marriage application.

Strengthening the protection of women from violence (Recommendations 128,130)

102. Various efforts had been taken to further protect women's rights with regard to domestic violence. For example, the Penal Code was amended in 2013 to provide greater deterrence to domestic and sexual related offences. Stiffer punishments are meted out to those found guilty of sexual offences, spousal abuse under amendments to the Penal Code.

103. Furthermore, in the Plan of Action on the Advancement of Women, violence against women has been listed as one of the 13 key sectors by the Government. In addition to this, other measures includes amending the relevant legislation such as the Penal Code, Employment Act 1955 and Domestic Violence Act 1994 and creating awareness on the importance of addressing issues of violence against women.

104. Section 375A of the Penal Code mainly intends to further strengthen legal protection for wives by making it an offence for a husband to cause hurt to his wife in order to have sexual intercourse, although the term "marital rape" is not explicitly stipulated in the provision. Apart from section 375A, there are other existing provisions in the Penal Code which can be resorted to by wives, depending on the facts of the case. Among others, a husband can always be charged for an offence of causing injury with punishment for up to 20 years imprisonment. Such a punishment is generally similar for rape, and significantly higher than other countries that make specific provision for "marital rape".

105. Therefore, although the form of law on "marital rape" in Malaysia may be different from other jurisdictions, the above legal provisions prove that Malaysia, in substance, pays due attention to the issue of "marital rape" and is committed to provide sufficient protection for victims.

Maternal and adolescent care (Recommendations 175, 185, 229)

106. Malaysia continues to improve access and quality of care for maternal and child health services by expanding health care facilities in rural and urban areas. In addition to hospitals and static clinics, there are also mobile health services meant for outpatient, maternal and child. These initiatives have made it possible for access to professional care during pregnancy and childbirth and access to quality family planning services and information.

107. In addressing the issue of children without proper parental care, the Government has always upheld the concept of family-based care as a way of raising children. This concept is upheld within the Child Act 2001 through care and protection and protection and rehabilitation orders. Such concept gives priority to the Courts For Children to provide placement order to a reliable family member, relative, fit and proper person or centre to ensure family-based care is provided to the child.

108. In easing the burden of working mothers, the Government has provided allocation for the establishment of childcare centres at government workplaces and tax exemption incentives to set up child care centres at workplaces in the private sector. A monthly child care fee subsidy of more than RM180 for each child of parents with a household income below RM5, 000 per month in the public sector is also provided.

109. Working women in Malaysia are entitled to maternity leave of 60 consecutive days as stipulated by the Employment Act 1955. Several amendments have been enacted to allow for the extension of maternity leave, allowing pregnant women (at least 22 weeks) to enjoy paid maternity leave which is in line with the provisions of WHO. Female employees also cannot be terminated during the period of maternity leave.

110. Government officers who give birth are entitled to full paid maternity leave up to 360 days throughout the period of her service. Seven days of paternity leave is also granted to government officers.

111. Malaysia continued its effort to strengthen pre-pregnancy care services by educating women with chronic diseases to optimise their health before embarking on pregnancy and ensuring more choices of family planning methods were made available.

Rights of persons with disabilities

(Recommendations 204, 205, 206, 207, 208)

112. The National Council for Persons with Disabilities (MKBOKU) formed 6 committees focusing on specific areas namely Education; Transportation; Quality Life Care; Employment; Registration of PWDs; and Universal Design and Build Environment.

113. There were four scope of programmes developed by the Employment Committee with the overall aim of increasing PWDs participation in the workforce. The scope of programme included Job-Coach Programme, Economic Empowerment Programme, Business Enhancement Assistance Scheme and PWD Talent Enhancement Programme.

114. A "Job Coach" Programme was created with the aim to promote the participation of PWDs in the community by providing employment to create awareness and understanding among the society. The programme focused on the development of training modules, training for coaches for Disability Equality Training and Job Coach.

115. To encourage self-employment among PWDs, the Government introduced the Economic Empowerment Programme through skills development programme. An Industrial Training and Rehabilitation Centre was also established to provide services to PWDs through vocational training and medical rehabilitation.

116. Under the Business Enhancement Assistance Scheme (BEAS) introduced in 2007, the scheme assists PWDs entrepreneurs to enhance their businesses and simultaneously provide employment opportunities to other PWDs. BEAS acts as a tool to empower and transform disabled business owners to be financially independent, to stay competitive in the business market and provide employment opportunities to other PWDs.

117. Additionally, the Government through the Human Resources Development Fund initiated the OKU Talent Enhancement Programme in 2016. This scheme enables employers to obtain financial assistance to send PWD employees for training to gain the necessary skills and knowledge to enter the workforce. This initiative complements the earlier implemented Job Coach Programme for PWDs.

118. The Ministry of Education (MOE) achieved 30.24% of SEN enrolment in Inclusive Education Programme in 2016. As of 2017, there were 4,308 primary schools and 2,002 secondary schools in the system providing education to all categories of SEN students. About 40.88% students with special needs study inclusively in primary and secondary

schools nationwide. The project has now been expanded to 44 schools and is expected to include more schools until 2025.

119. The Inclusive Pedagogy Implementation Guide was developed in 2016 to assist mainstream teachers and special education teachers to carry out their teaching and learning sessions for SEN students in inclusive classrooms. The guide included information on the characteristics of different categories of disability, specific teaching and learning methods for SEN students, as well as other support services such as therapies, learning accommodations and special learning tools.

120. Various initiatives such as School in Hospitals and Special Education Service Centre were introduced to cater to SEN students' needs. A pilot project called TASKA OKU was also implemented for 6 categories of children with disabilities i.e. Down syndrome, autism, vision, hearing, physical and learning disabilities. Establishment of TASKA OKU is expected to provide opportunities to children with disabilities as well as to ease the burden of low-income families to get early care and quality children education.

121. The Government is also implementing Community Based Rehabilitation Programme on early intervention and rehabilitation at 544 centres throughout the nation for PWDs.

122. An IT and Multimedia programme named "PDKNet" was also developed to assist in the rehabilitation of PWDs as well as increase the knowledge and skills of PWDs to operate a computer software programme.

123. The Government had also prepared the Universal Design Planning Guideline to support the promotion and protection of the rights of PWDs. The guideline outlines the needs for planning of facilities and designing the urban environment that focuses on providing barrier free facilities particularly for PWDs.

124. The need to provide facilities for PWDs is stipulated under section 34A of the Uniform Building By-Laws (UBBL), 1984 (Amendments) (1990) and all States in Malaysia, including the Federal Territories, have implemented the measures to provide such facilities for PWDs.

125. MKBOKU continues to provide input and advice to the Government on issues related to health and disabilities. To that end, the Government has implemented the Plan of Action on Health Care for Persons with Disabilities 2011-2020, aiming to improve and maintain the health of PWDs by providing equal opportunities for healthcare at all levels.

E. Foreign workers, refugees, asylum seekers and TIP

Efforts to combat human trafficking

(Recommendations 131,132,133,137,141,142)

126. Malaysia's efforts in combating TIP was recognized internationally when Malaysia was upgraded to Tier 2 in the United States TIP Report 2017. In its effort to strengthen cooperation between agencies in investigations, the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM) Task Force was established in 2017. It comprises the Royal Malaysia Police (RMP), Immigration Department Malaysia, Malaysian Maritime Enforcement Agency, Departments of Labour, Royal Malaysian Customs, Attorney General's Chambers and National Security Council.

127. In the area of prosecution, conviction numbers have increased from 7 in 2015 to 147 convictions in 2017.

128. In addition, Malaysia has improved its initiatives by involving NGOs in the aspect of care and protection of victims of trafficking (VOT) following the amendments to ATIPSOM in 2015. The amendments, among others, include the establishment of a High Level Committee chaired by the Minister of Home Affairs, the payment of compensation, allowances as well as the permission to move freely and to work for VOT. Further, the amendments have paved the way for any person, other than a public officer, to be appointed as a Protection Officer by the Minister. Referring to the allowance mentioned above, the

ATIPSOM (Payment of Allowance to Trafficked Persons) Regulations 2017 came into force on 1 March 2017.

129. Several capacity building programmes were conducted in-house and in collaboration with foreign strategic partners and international organisations such as ASEAN, United Nations Office on Drugs and Crime, International Organisation for Migration (IOM) and Australia-Asia Program to Combat Trafficking in Persons.

130. As part of the continuous effort to address TIP, the Government established special courts in March 2018 to deal with TIP cases. It is presided by senior Session's court judges with at least 25 years of experience in the judicial and legal service.

131. In terms of law enforcement and anti-trafficking and smuggling management, the Malaysian Border Security Agency Act 2017 that came into force on 29 December 2017 was enacted to secure the Malaysian land border against any smuggling activities or other illegal activities.

**Protection of women and children while combating human trafficking
(Recommendations 134,135,138,139,140,143)**

132. Malaysia invited the UN SR on trafficking in persons, especially women and children, Ms. Maria Grazia Giammarinaro to Malaysia from 23 to 28 February 2015. In her report, she recommended Malaysia to focus more on other forms of trafficking such as labour exploitation. She supported the amendment to the ATIPSOM and believed that Malaysia was heading in the right direction with the victim-centred approach.

133. The Government established 7 shelters for VOT i.e. 4 for women, 1 for men and 2 for children. The Government also ensured that the VOT were well informed of their rights of access to diplomatic missions and counsellor representatives of their respective States. These government shelters have welcomed the co-operation with NGOs in the management of VOT to ensure that their welfare is protected. They provided support such as counselling, psycho-social activities and informal education.

134. To further support NGOs towards a greater role in providing protection for VOT, the Government provided financial assistance to NGOs with shelter homes of their own to manage the VOT. This exercise reflected the Government's continuous commitment to work together with NGOs.

135. The Government also provided physical, psychological and social reintegration assistance, such as shelter, counselling and information, medical, psychological and allowance and employment and basic skill training opportunities.

**Cooperation and sharing of experience in combatting human trafficking
(Recommendation 136)**

136. The Government participated in several workshops and meetings at the regional and international level such as the Expert WG in formulating the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which was signed during the 27th ASEAN Summit on 21 November 2015. Malaysia subsequently ratified ACTIP on 7 September 2017.

137. Malaysia also continued to establish extensive networking with inter-governmental and inter non-governmental agencies such as the Homeland Security Investigation and Department of Justice of the USA by participating in Workshops on Combatting TIP and Smuggling of Migrants.

138. There have been several engagements carried out in cooperation with international organisations such as the International Justice Mission, Médecins Sans Frontière and IOM. The components of such engagements include sharing of experiences and best practices.

139. Malaysia and all ASEAN Member States (AMS) are parties to the Treaty on Mutual Legal Assistance in Criminal Matters (among like-minded AMS) to combat transnational crime in all its forms with close working relationship among the law enforcement fraternity of the region.

**Protection of the rights of migrant workers
(Recommendations 217,218,222, 223,224)**

140. The Government is adamant in ensuring that the rights and welfare of workers are protected by ensuring that all workers receive equal protection in terms of their rights and welfare as stipulated under Malaysian labour laws such as the Employment Act 1955, Industrial Relations Act 1967, Trade Unions Act 1959, National Wages Consultative Council Act 2011, Workers' Minimum Standards of Housing and Amenities Act 1990 and ATIPSOM.

141. The Government had also taken the following steps:

- (a) Signed bilateral arrangements on the employment of foreign workers with source countries;
- (b) Introduced a standard contract of employment for all foreign workers;
- (c) Required all employers to obtain insurance coverage for foreign workers under the Foreign Workers Compensation Scheme and the Foreign Workers Health Insurance Protection Scheme; and
- (d) Ensured that foreign workers have possession of their identification documents such as passports to enable their free movement in the country.

142. The Private Employment Agencies Act 1981 governs all private employment agencies whereby Section 28 (2)(b) of the Act imposes a fine not exceeding RM250,000 for the contravention or failure to comply with provisions of any regulations made under this Act. It is also pertinent for the private employment agencies in the source countries to prevent imposition of exorbitant fees on the workers prior to being recruited to work in Malaysia which may lead to debt bondage.

143. Furthermore, all documented foreign workers who are employed in Malaysia are accorded minimum wages, benefits and legal protection as provided for under domestic laws. This is further entrenched under Article 8(1) of the Constitution whereby the rights and equal protection of all persons are guaranteed. All foreign workers also have the right to full access to justice, to any legal remedies provided by the law and are entitled to legal aid services such as stipulated under the judiciary's Court Assigned Council Scheme.

144. Beginning 1 January 2018, the Government introduced an online-based system for Malaysians to directly hire existing foreign domestic workers from selected source countries without going through the services of recruitment agencies, thus, reducing the financial burden on parties concerned, minimizing the risk of debt bondage and ensuring that the rights and protections for foreign domestic workers, including enforcement of standard employment contract and proper health and occupational accident coverage in accordance with the existing labour laws.

**Management of refugees and asylum seekers
(Recommendations 226, 227)**

145. While not being a State Party to the United Nations Convention relating to the Status of Refugees 1951, the Government provided temporary refuge to refugees and asylum seekers and continues to cooperate with the United Nations High Commissioner for Refugees (UNHCR) to manage these issues on humanitarian grounds.

146. Those who possess identification cards issued by the UNHCR Representative in Malaysia have access to local healthcare facilities, where they can seek medical treatment at any local healthcare institution ranging from outpatient and inpatient treatment, emergency up to maternal and child healthcare services. Under this arrangement, the rate charged is 50% less than the rate stipulated for foreigners under the Fees Act 1951 (Act 209). This also applies to vaccination for children of UNHCR card holders. ALCs that are registered under the MOE are allowed to provide education to children of UNHCR card holders in Malaysia (on a case to case basis).

147. Malaysia also participated in the New York Declaration on the Global Compact on Refugees and its commitments which among others, included: (i) support the human rights

protection of all refugees and migrants, regardless of the status; (ii) support those countries rescuing, receiving and hosting large numbers of refugees and migrants; and (iii) find new homes for all refugees identified by UNHCR through resettlement to third countries.

148. In 2016, a Joint Task Force between the Government and the UNHCR was established to provide closer cooperation and information sharing to address the challenges on migration management issues in Malaysia. Under this task force, Technical Working Groups headed by the relevant agencies/unit from both parties were created to tackle specific issues under their purview.

F. National mechanisms on human rights

National Human Rights Action Plan (NHRAP) (Recommendation 57)

149. The Government launched the NHRAP²² in March 2018 with the aim to achieve institutional and legislative reforms as well as raise awareness and cultivate a strong culture of human rights in the country. It is also to serve as a roadmap to safeguard and enhance the promotion and protection of human rights in Malaysia.

150. Other objectives include:

(a) To provide guidelines for government officials, NGOs, professional bodies, academia and civil society in carrying out their responsibilities to ensure human rights are safeguarded;

(b) To empower relevant human rights-related agencies on issues related to human rights;

(c) To promote ratification of international human rights treaties in accordance with the Constitution and to assist the Government in monitoring the country's involvement in international obligations;

(d) To promote human rights sensitivity; and

(e) To emphasize the aspect of human rights in the country's development.

151. NHRAP consists of 5 pillars namely Civil and Political Rights; Economic, Social and Cultural Rights; Rights of Vulnerable Groups; Rights of the Indigenous Peoples and Natives of Sabah and Sarawak; and International Obligations. Formulation of the NHRAP involved consultation with stakeholders both within and outside the Government.

National Human Rights Commission (Recommendations 51, 52, 53, 54, 55, 60)

152. SUHAKAM has undertaken various efforts in discharging its role as the National Human Rights Institution (NHRI) to promote and protect human rights in Malaysia. The Government continues to cooperate with SUHAKAM in identifying and addressing issues related to human rights in the country as both parties share similar objectives in ensuring the rights of the citizens are protected and upheld. SUHAKAM has provided valuable inputs on human rights issues and extended its support to the Government throughout the development phase of the NHRAP.

153. In 2016, SUHAKAM organised a roundtable discussion (RTD) on the Establishment of NHRIs in Southeast Asian countries. The RTD was intended to encourage AMS that have yet to establish an NHRI to do so, as well as to promote the strengthening of existing ones.

G. General recommendations, international cooperation, human rights education and training, national unity and social cohesion

Promotion and protection of human rights (Recommendations 58, 59)

154. The Government established a National Integrity and Governance Department under the Prime Minister's Department. Its objective was to ensure transformation in the civil service in terms of good governance, integrity and human rights compliance. The Department monitors, coordinates and addresses human rights issues through collaborations with private sectors including statutory bodies and civil societies. The establishment of this department is a testament to the Government's commitment in addressing human rights issues in an institutionalized, systematic and holistic manner.

Human rights education (Recommendations 74, 75, 78)

155. The MOE and SUHAKAM embarked on the Human Rights Best Practices Programme (HRBPS) in 222 schools to cultivate an attitude of respect and responsibility to human and children's rights. The programme was also introduced to encourage students and teachers to be aware and sensitive to the issues of human and children's rights in the planning and implementation of activities in school.

156. In the formal curriculum, human rights elements are grouped and incorporated into themes, issues, perspectives and approaches in subjects such as Moral Education, History, Economics, Geography, Literature, Languages, Arts, Civics and Citizenship while co-curricular activities include:

- (a) The establishment of human rights club;
- (b) Organising human rights festival/activities;
- (c) Holding of commemorations or other events to mark specific international or national days related to human rights;
- (d) Campaign against bullying, harassment or violence in the school or the community; and
- (e) Adoption of social service programme with a human rights focus for the surrounding community.

157. In 2016, the MOE, in collaboration with SUHAKAM held the HRBPS Awards in recognition of participating schools nationwide. In 2017, the MOE and SUHAKAM executed a Training of Trainers workshop for primary and secondary school teachers to develop modules on Human Rights Education.

158. The Government together with SUHAKAM have also conducted education and capacity building programmes at tertiary education institutions to enhance the knowledge of university lecturers and students on fundamental human rights and the responsibilities entailed. Human rights education and training is also extended to law enforcement officers from RMP, People's Volunteer Corps (RELA), prison officials and local authorities.

National unity and social cohesion (Recommendations 87, 88, 89, 90, 91, 92, 93, 154)

159. At the national, regional and international level, Malaysia continued to promote educational and reconciliatory dialogue as part of its efforts to advance the values of moderation, tolerance and mutual respect between and among societies, cultures and religions. The Institute of Islamic Understanding Malaysia conducted "dialogues of life" session which discussed issues from the religious perspective. This approach in facilitating dialogue among various religious bodies is viewed as a form of partnership to promote interaction between different religions and faiths.

160. In the spirit of peaceful conflict resolution, an Interreligious Mediation Certification Training module was developed in collaboration with the International Islamic University

Malaysia. The objective of the course was to enable the participants better understand the various religions in the country and to address the growing need for conflict resolution in interreligious issues.

161. A series of engagement through RTDs were also conducted with all stakeholders, in particular with community-based and religious institutions to foster a shared sense of responsibility for building a more moral and ethical society as well as to contain the menace of racism, extremism and religious bigotry among Malaysians. This includes the RTDs such as the "Roles of Youth in Interfaith Understanding", which involved the Committee for the Promotion of Inter Religious Understandings and Harmony Among Adherents; Friendship Group for Interfaith Services; Buddhist Missionary Society Malaysia; and Muslim Youth Movement of Malaysia.

162. The Government also provided training on the peace-making process to community leaders which emphasized on the technique of Community Mediation. Currently, 1208 Community Mediators have been trained with the required skills and have been accredited to mediate in conflict resolution process.

163. The values of moderation was also introduced and promoted in 2010 to counter extreme and radical ideas which gave rise to hatred, bigotry and other elements of extreme behaviour.

**International cooperation to promote and protect human rights
(Recommendations 231, 232)**

164. SUHAKAM is a member of the Asia Pacific Forum of NHRIs which focuses on supporting the establishment and strengthening of NHRIs in the region through programmes and activities such as trainings and workshops on thematic human rights issues and the development of manuals for NHRIs.

165. SUHAKAM is also a member of the Commonwealth Forum of National Human Rights Institutions, an international network of NHRIs that seek to promote the sharing of information, experience and practices among member institutions and encourages Commonwealth countries to establish the Paris Principles-compliant NHRIs and assists NHRIs to fulfil their mandated activities.

166. Apart from the above, SUHAKAM is also actively engaged in the Southeast Asia NHRIs Forum (SEANF), an independent sub-regional human rights forum, which comprises 6 NHRIs in Southeast Asia, namely from Indonesia, Malaysia, Myanmar, Thailand, the Philippines and Timor-Leste. The objective of SEANF is to organise itself as a regional mechanism for the effective promotion, protection and fulfilment of human rights in the Southeast Asia region. The SEANF recently adopted its 2017-2021 Strategic Plan, outlining its thematic areas of focus for its work for the coming 5 years.

167. SUHAKAM has also maintained regular engagement with Malaysia's representative to ASEAN Intergovernmental Commission on Human Rights (AICHR) and collaborates with AICHR Malaysia in co-organising programmes, such as:

- (a) AICHR Regional Workshop on the Role of Youth in Promoting Human Rights in ASEAN, October 2015, Kuala Lumpur;
- (b) AICHR Workshop on the Role of the Media in Promoting Human Rights, May 2016, Kuala Lumpur; and
- (c) AICHR Judicial Colloquium on Sharing of Good Practices regarding International Human Rights Law, March 2017, Kuala Lumpur.

Notes

¹ This was an increase to 64.6% of the accepted recommendations compared to the first UPR held in 2009 where Malaysia accepted 62 out of a total of 103 recommendations.

² The present Report has been prepared in accordance with the provisions contained in A/HRC/RES/5/1, A/HRC/RES/16/21, A/HRC/DEC/17/119 and other relevant guidelines for the UPR

process.

- ³ The eight visits received were from: i. Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression (1998); ii. Independent Expert on the right to development (2001); iii. SR on the right to education (2007); iv. WG on Arbitrary Detention (2010); v. SR on the right to food (2013); vi. SR on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2014); vii. SR on trafficking in persons (TIP), especially women and children (2015); and viii. SR in the field of cultural rights (2017).
- ⁴ The Chief Judge or any Judge nominated by the Chief Judge.
- ⁵ On 5 May 2017, the Federal Court of Malaysia was admitted as the 107th member of the World Conference on Constitutional Justice (WCCJ) and officials attended the 4th Congress of WCCJ on 11–14 September 2017 at Vilnius, Lithuania which discussed issues on constitutional review including human rights cases, law as a key element for democracy, the protection of human rights and the rule of law.
- ⁶ In the economic, social and cultural spheres, these programmes are formulated with the people as the centrepiece of all development efforts, reinforcing the Government's commitment to bring further development to the people by enriching their lives, providing people dignity, and uplifting their potential to partake in the prosperity generated.
- ⁷ As of 2017, 84,490 units of the Public Housing Programme were completed while 24,662 units are under construction.
- ⁸ This is done through capacity and capability building, education, entrepreneurship and special programmes for the targeted groups. Various monetary and non-monetary initiatives are also implemented based on the needs regardless of ethnicity, gender, socio-economic status and geographic location.
- ⁹ Skills such as baking, culinary, retailing, motor vehicle repairs and early childhood education.
- ¹⁰ Under the 11th MP, the Government has allocated RM150.66 million to *Program Khas Anak Negeri* (PKAN) Sabah encompassing programmes and projects for the construction of native courts, capacity building and native customary land survey programme. Besides that, the Sabah State Government has implemented the *Mimi Estet Sejahtera* (MESEJ) programme to uplift the income of natives in rural areas through commodity plantation, agriculture, livestock and cash crops plantation. It is designed that the participants of MESEJ programmes will work, receive salary and dividend from the outputs of the programme. Similarly, the Government has allocated RM200 million for *Program Khas Bumiputera* (PKB) Sarawak under the 11th MP. The allocation channelled is for the implementation of various programmes and projects involving economic development, rural basic infrastructure development, native courts, capacity building and native customary land survey programmes.
- ¹¹ Cumulatively, since the 10th MP, a total of 827,813 hectares of land has been surveyed in Sarawak, while a total of 67,805.92 hectares of land has been surveyed in Sabah.
- ¹² Through the 10th MP, the Government has improved access to quality healthcare services by upgrading healthcare infrastructure, enhancing the capacity of healthcare personnel, promoting healthy lifestyles, and extending nationwide preventive care programmes. Under the 11th MP, the Government is striving to accelerate efforts to achieve universal access to quality healthcare by targeting under-served areas, and increasing capacity of both facilities and healthcare personnel.
- ¹³ In the 11th MP, at least 121 infrastructure projects, including primary health care facilities, have been planned.
- ¹⁴ These initiatives include 1Malaysia Clinic, 1Malaysia Mobile Services, *Orang Asli* Mobile Services, Family Doctor Concept, Pharmacy Information System, extended clinic hours, drive-through and postal pharmacy.
- ¹⁵ This programme has benefited 6,614 senior citizens and 1,740 PWDs with the involvement of more than 2,400 volunteers.
- ¹⁶ Under the 11th MP, 5 mobile services were added to the existing 10 services making LPPKN's mobile services available throughout Malaysia.
- ¹⁷ NSPEA has been endorsed as the country's blueprint to combat HIV outlining the fast track activities to be achieved by 2020 and long-term activities by 2030.
- ¹⁸ 1,061 health clinics and 143 hospitals inclusive of other government hospitals that are not under the purview of the MOH.
- ¹⁹ The initiatives include: i. setting up 11,215 pre-schools and 499 day-care centres which are mostly located in the rural areas and to provide an opportunity to rural children including indigenous children to be introduced to early childhood learning. The fee is minimal, between RM10 to RM120 per annum, as it is subsidised by the Government; ii. continuous outreach programmes in collaboration with various agencies, including NGOs, to reduce school drop outs and out of school children; iii. revision of the policy on compulsory education from 6 to 11 years of schooling to encourage more students to stay in school and ensure that they obtain a secondary level certificate upon leaving the education system; iv. expansion of opportunities for students including SEN students to enrol in

Technical and Vocational Training and Education schools and colleges; and v. post-secondary education pathways such as Form 6, Pre-University, Matriculation and foundation programmes.

- ²⁰ For non-Muslim marriages, the minimum age for marriage is 18 years. However, the Chief Minister may, in his discretion, grant a licence authorizing the solemnization of a marriage of a female who is under the age of 18 years if she has completed her 16th year as provided for under section 10 and subsection 21(2) of the Law Reform (Marriage and Divorce) Act 1976 (LRA). For Muslim marriages, the minimum age for marriage is 18 years for male and 16 years for female. However, if they wish to marry below that minimum age, they must obtain permission in writing from the Syariah Judge as provided for under section 8 of the Islamic Family Law (Federal Territories) Act 1984 and other States' Islamic Family Law Enactment/Ordinance.

- ²¹ Section 37 of LRA reads: Any person who uses any force or threat – (a) to compel a person to marry against his will; or (b) to prevent a person who has attained the age of twenty-one years from contracting a valid marriage, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand ringgit or to both.

- ²² NHRAP is a public document that takes a systematic approach in advancing human rights by placing it in the context of public policy.
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Compilation on Malaysia**Report of the Office of the United Nations High Commissioner for Human Rights****I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

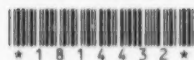
II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health was concerned about the limited number of international human rights treaties that Malaysia had ratified and the reservations that it had introduced, some of them of a general nature, which seriously undermined the nature and scope of the obligations under those treaties.³

3. The Committee on the Elimination of Discrimination against Women encouraged Malaysia to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.⁴

4. The United Nations country team stated that accession to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights would bolster the transition of Malaysia to developed country status. The country team noted that Malaysia could consider ratifying the International Covenant

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on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture in the immediate future.⁵

5. The United Nations country team urged Malaysia to outline clear steps within a reasonable time frame for its accession to the Optional Protocols to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and for the withdrawal of its reservations to articles 9 (2) and 16 (1) (a), (c), (f) and (g) of the Convention on the Elimination of All Forms of Discrimination against Women, articles 2, 7, 14, 28 (1) (a) and 37 of the Convention on the Rights of the Child, and articles 3 (b) and (c), 5 (2) and 30 of the Convention on the Rights of Persons with Disabilities.⁶

6. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and ensure the country was in full compliance with international refugee protection standards.⁷

7. The Committee on the Elimination of Discrimination against Women recommended that Malaysia ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁸

8. The Committee on the Elimination of Discrimination against Women recommended that Malaysia ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Domestic Workers Convention, 2011 (No. 189).⁹

9. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that Malaysia should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education. It encouraged Malaysia to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).¹⁰

10. The United Nations country team noted that 12 special procedure mandate holders had made requests to visit Malaysia. Some of those requests had been pending for a considerable amount of time. The country team encouraged Malaysia to invite them to visit as soon as possible.¹¹

11. Malaysia contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2015, 2016 and 2017.

III National human rights framework¹²

12. UNESCO noted that, while the federal Constitution of 1957 included provisions on education, it did not explicitly enshrine the right to education.¹³

13. The United Nations country team noted that the Constitution did not include any references to persons or children with disabilities.¹⁴

14. The Committee on the Elimination of Discrimination against Women reiterated its concern at the continued absence of a definition of discrimination against women in national legislation that was in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, and about the courts' narrow interpretation of the prohibition of gender-based discrimination. It recommended that Malaysia adopt a concrete time frame for the adoption of a gender equality act.¹⁵

15. The same Committee recommended that Malaysia take effective measures to ensure that civil law and sharia law were in full compliance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women at the local, state and federal levels so as to ensure that the rights of all women were legally guaranteed on an equal footing throughout the State.¹⁶

16. The United Nations country team urged the Government to ensure that the Human Rights Commission of Malaysia was adequately funded and that there was parliamentary discussion of its annual reports.¹⁷

17. The United Nations country team supported the call for the formation of a parliamentary select committee on human rights, as recommended by the Human Rights Commission of Malaysia.¹⁸

18. The United Nations country team welcomed the launch by the Government of the national human rights action plan on 1 March 2018. However, it called for the plan to be urgently reviewed and rewritten by human rights experts, to bring it in line with the Universal Declaration of Human Rights and the relevant commitments of the newly elected Government, as reflected in its manifesto.¹⁹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁰

19. The Committee on the Elimination of Discrimination against Women recommended that Malaysia adopt a comprehensive strategy with proactive and sustained measures that targeted women and men at all levels of society, including religious and traditional leaders, to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society.²¹

20. UNESCO stated that Malaysia should be encouraged to strengthen its efforts to eradicate gender stereotypes in teaching materials, including by reviewing and updating the existing textbooks. Malaysia should also be encouraged to integrate human rights education effectively in its curricula.²²

21. The Committee on the Elimination of Discrimination against Women recommended that Malaysia amend all provisions of the federal Constitution that denied women equal rights with respect to the transmission of their nationality to their children and foreign spouses.²³

22. The Special Rapporteur on health stated that discriminatory societal attitudes towards lesbian, gay, bisexual and transgender persons prevailed in Malaysia and had been exacerbated over the past few decades by the use of a stigmatizing rhetoric by politicians, public officials and religious leaders. The criminalization of same-sex conduct and of different forms of gender identity and expression had reinforced negative societal attitudes and led to serious human rights violations of the rights of that group of the population.²⁴

23. OHCHR noted with regret the decision by the Malaysian Federal Court to reinstate section 66 of the Negeri Sembilan Sharia Criminal Enactment (1992), which criminalized transgender women on the basis of their appearance and subjected them to fines and up to six months' imprisonment.²⁵

B. Civil and political rights

1. Right to life, liberty and security of person²⁶

24. The United Nations country team noted that Malaysia still imposed the death penalty for certain offences. As at 21 February 2017, an alarming number of individuals had been sentenced to death. While noting that, under amendments to section 39B of the Dangerous Drugs Act 1952, which had come into force on 15 March 2018, the death penalty for drug trafficking was no longer mandatory, the country team remained concerned about all those who had been sentenced to death prior to that date, who did not benefit from the change in law.²⁷

25. The United Nations country team noted that no significant shift had been detected within the police and other law enforcement agencies with regard to upholding human rights.²⁸ It welcomed the new Government's promise to establish an independent police

complaints and misconduct commission.²⁹ It recommended that the Government conduct a review of all remand and prison conditions to ensure compliance with the internationally agreed United Nations Standard Minimum Rules for the Treatment of Prisoners.³⁰

26. OHCHR expressed serious concern regarding the disappearances of community workers Amri Che Mat and Raymond Keng Joo Koh, and urged Malaysia to urgently investigate the abductions of the two men associated with religious minority groups.³¹

2. Administration of justice, including impunity, and the rule of law³²

27. The United Nations country team encouraged the Government to take measures to further bolster the independence of the judiciary.³³

28. It also urged the Government to avoid the revictimization of victims of trafficking and forced labour through improved screening procedures to determine the reasons why individuals lacked documentation.³⁴

29. The Committee on the Elimination of Discrimination against Women recommended that Malaysia identify and address the specific obstacles faced by women who were in disadvantaged situations, including migrant women, particularly undocumented migrant women, women held in immigration detention centres, and asylum-seeking and refugee women, so as to ensure that they had access to justice and recourse to effective remedies.³⁵

30. The Special Rapporteur in the field of cultural rights noted that particular challenges arose in the light of the country's plural legal systems, including civil courts, sharia courts and indigenous customary courts.³⁶

31. The Committee on the Elimination of Discrimination against Women remained concerned about the use of whipping by sharia courts as a form of punishment, whereas the whipping of women was prohibited under the Criminal Procedure Code. The Committee recommended that Malaysia harmonize sharia law with section 289 of the Criminal Procedure Code to prohibit the whipping of women as a form of punishment.³⁷

32. OHCHR expressed concern at the entry into force in August 2016 of the National Security Council Act, which gave the Prime Minister sweeping security powers and could restrict civil liberties.³⁸

3. Fundamental freedoms and the right to participate in public and political life³⁹

33. The Special Rapporteurs on freedom of expression, on the rights to freedom of peaceful assembly and of association, on the situation of human rights defenders, and on the independence of judges and lawyers urged Malaysia to withdraw the Sedition Act of 1948 and to take firm steps towards the effective enjoyment of the right to freedom of expression.⁴⁰

34. The United Nations country team noted that, notwithstanding the announcement on 11 July 2012 that the Sedition Act 1948 would be repealed and replaced by a National Harmony Act, no details of the proposed National Harmony Act had been made public. Individuals alleged to have committed acts of sedition continued to be arrested and charged in court. The country team encouraged the Government to promote freedom of religious expression.⁴¹

35. UNESCO noted that the Sedition Act 1948, as amended in 2015, and the Internal Security Act 1960 continued to be used in the country. Both laws provided for the imprisonment of persons found guilty of uttering or publishing seditious statements or content that could be interpreted as a threat to national security. The Malaysian Printing Presses and Publication Act gave the Minister for Home Affairs power to revoke or suspend a press permit for any period he or she considered desirable.⁴²

36. UNESCO encouraged Malaysia to decriminalize defamation and subsequently incorporate it into the Civil Code, in accordance with international standards. It also encouraged it to introduce a freedom of information law in accordance with international standards, to assess the appointment system for the broadcast licensing authority to ensure that it was independent, and to place regulation regarding suspension of media permits under the judiciary.⁴³

37. The Special Rapporteur on cultural rights was seriously concerned about the restrictions and sometimes full bans that had been imposed on a number of artistic and cultural practices at the state level in Kelantan, and on certain authors, publishers, filmmakers and artists at the federal level. She called for the repeal of the Sedition Act, for the amendments being made in the Communications and Multimedia Act to be consistent with international standards for freedom of expression and cultural rights, for the repeal or clarification of sections 211 (1) and 233 (1) of the Act, and for the abolition of prior censorship bodies and processes.⁴⁴

38. The Committee on the Elimination of Discrimination against Women recommended that Malaysia fully guarantee the right to freedom of religion or belief, which included the right of individuals to convert from Islam to another religion or belief.⁴⁵

39. The Special Rapporteur on cultural rights regretted reports that Malaysian Shia Muslims had been unable to worship freely, and that they might face obstacles in carrying out rituals that were both cultural and religious.⁴⁶

40. She expressed concern about the emergence of several abduction cases reportedly targeting those associated with religious minorities. She called for every effort to be made to locate the missing persons in question.⁴⁷

41. The United Nations country team expressed concern about the wide scope of and the broad definitions and harsh penalties contained in the anti-“fake news” legislation that had been passed by the Upper House of Parliament on 3 April 2018.⁴⁸

42. The United Nations country team noted that students continued to face disciplinary action for participating in and expressing their views during party political activity.⁴⁹

4. Prohibition of all forms of slavery⁵⁰

43. The Committee on the Elimination of Discrimination against Women remained deeply concerned that Malaysia remained a destination country for trafficking of women and girls, including asylum-seeking and refugee women and girls, for purposes of sexual exploitation, begging, forced labour or forced marriage. It recommended that Malaysia establish a formal procedure throughout the State to promptly identify victims of trafficking and refer them to appropriate services for protection, and train all relevant law enforcement officials on gender-sensitive procedures for interacting with victims of trafficking. It also recommended that Malaysia ensure that victims of trafficking were not punished for violations of immigration laws and that they obtained effective protection; and that it investigate all cases of trafficking in persons, especially women and girls, including cases involving law enforcement officials, and prosecute perpetrators.⁵¹

44. The Special Rapporteur on trafficking in persons, especially women and children, recommended that Malaysia revise the regulation of employment agencies and implement it stringently, and regularly monitor the activities of those agencies already licensed and take immediate action to revoke their licence and prosecute them where illegal activity involving trafficking in persons had taken place. She also recommended that Malaysia sensitize businesses about human trafficking and encourage them to make and maintain a supply chain free from trafficking, including through the establishment of self-regulatory mechanisms and tools.⁵²

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵³

45. The United Nations country team noted that amendments to labour legislation promised as part of the Labour Consistency Plan had not been implemented. It welcomed the new Government’s commitment to ensure the rights of workers to organize and to negotiate through collective bargaining, and for workers’ rights to be on a par with international standards and in compliance with ILO standards.⁵⁴

46. The ILO Committee of Experts on the Application of Conventions and Recommendations observed that domestic workers continued to be excluded from the scope of the Minimum Wages Order.⁵⁵

47. The Committee on the Elimination of Discrimination against Women reiterated its concern regarding the situation of migrant women employed as domestic workers, who did not enjoy the same legal guarantees as other migrant workers, including in relation to minimum wages, working hours, rest days, leave, freedom of association and social security coverage.⁵⁶

48. The same Committee remained concerned about the persistent pay gap in most occupational categories and the low representation of women in decision-making positions in the private sector. It also regretted the lack of sanctions for the termination of employment on the basis of pregnancy and the lack of a comprehensive law on sexual harassment.⁵⁷

49. The ILO Committee of Experts requested Malaysia to take any necessary measures to further reduce the length of proceedings for the recognition of trade unions.⁵⁸

2. Right to social security⁵⁹

50. The United Nations country team noted the need to increase the number of social workers, to provide them with adequate resources and to professionalize their work. It stated that social workers were greatly needed in many areas of child protection, including social and family-based care, mental health, counselling, support for children with disabilities, diversion of children coming into conflict with the law, probation officers, and help to support alternatives to immigration detention.⁶⁰

51. The United Nations country team stated that the lack of social provision and protection for undocumented persons, both non-citizens and Malaysians, needed to be addressed.⁶¹

3. Right to an adequate standard of living⁶²

52. The United Nations country team commended the Government for the effort made to reduce the incidence of absolute poverty and to reduce income inequalities. It stressed that it was necessary to gather and make available disaggregated data to ensure that pockets of inequality and exclusion were not overlooked.⁶³

53. The Special Rapporteur on the right to food recommended that Malaysia ensure that the minimum wage ensured access to an adequate standard of living, including adequate food.⁶⁴

54. The United Nations country team drew particular attention to the recent UNICEF report entitled *Children Without: A study of urban child poverty and deprivation in low-cost flats in Kuala Lumpur*, which showed disturbing trends in malnutrition among urban poor communities and the urgent need to address the issue.⁶⁵

4. Right to health⁶⁶

55. The Special Rapporteur on health recommended that Malaysia ensure adequate, equitable and sustainable financing for health, increase national budget allocations for health and reduce out-of-pocket expenditure, as well as ensuring that the health system was funded progressively through universal contributions, based on individuals' and families' ability to pay, and that it provided exemptions for the poor.⁶⁷

56. The Committee on the Elimination of Discrimination against Women recommended that Malaysia introduce as part of the school curricula comprehensive age-appropriate and human rights-based sexuality education, including information on sexual and reproductive health and responsible sexual behaviour and the importance of concepts such as consent and gender-based violence.⁶⁸

57. The Special Rapporteur on health recommended that Malaysia ensure that barriers to access sexual and reproductive rights of girls and women were removed, including by

providing, regardless of age and marital status, sexual and reproductive health services and comprehensive adequate sexuality education and information.⁶⁹

5. Right to education⁷⁰

58. UNESCO noted that Malaysia had made progress regarding basic skills and literacy. However, the literacy rate remained lower for women than for men.⁷¹

59. UNESCO also noted that, while primary education had been made compulsory in 2003, there was no legal requirement for lower secondary attendance. Malaysia should be strongly encouraged to update its Education Act and include provisions going beyond primary education, making lower secondary education compulsory, in line with the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, and the targets in Sustainable Development Goal 4.⁷²

60. UNESCO stated that Malaysia should be encouraged to continue to prioritize and facilitate the enrolment of children from rural and remote areas in schools.⁷³

61. The Committee on the Elimination of Discrimination against Women was concerned about the high school dropout rates among girls in rural areas.⁷⁴

62. The Special Rapporteur on cultural rights was particularly concerned at reports that in school, some girls had been told by teachers that they had to pay a fine if they came to school unveiled. According to another report, a teacher had said that the girls who covered were her children, but those who did not were not.⁷⁵

63. The United Nations country team noted that the absence of a human rights-based approach to inclusive development was notable in the provision of education, which did not take into account large groups of undocumented and stateless children. The inability of those children to access education impaired their futures and led to future social dislocation.⁷⁶

D. Rights of specific persons or groups

1. Women⁷⁷

64. The Committee on the Elimination of Discrimination against Women welcomed the measures taken to enhance the legal protection of women from gender-based violence, including the amendment of the Domestic Violence Act in 2017.⁷⁸

65. It recommended that Malaysia prohibit all forms of female genital mutilation in its Criminal Code, ensuring that the prohibition could not be overruled by any fatwas or other rulings issued by religious or clerical authorities, as well as in practice, and that it undertake awareness-raising and educational activities aimed at promoting consensus towards the elimination of female genital mutilation.⁷⁹

66. It also recommended that Malaysia criminalize marital rape.⁸⁰

67. It further recommended that Malaysia take effective measures to ensure that perpetrators of rape, including those who raped women with an object or committed incestuous rape, were effectively punished and that they did not evade criminal sanctions by marrying their victims.⁸¹

68. The Committee was concerned that women continued to be underrepresented in all areas of political and public life, including in Parliament, the cabinet, local government, the judiciary and the diplomatic service, particularly in decision-making positions.⁸²

69. It welcomed the legislative amendments to the civil law to end discrimination against women in marriage and in the family and the Federal Court decision of 29 January 2018 in the Indira Gandhi case, in which it had affirmed the jurisdiction of civil courts over matters of Islamic law and actions of Islamic authorities.⁸³

70. Nevertheless, the Committee remained concerned that Muslims were covered by Islamic family law, that Muslim women did not have equal rights to men in family and marriage matters, including in their capacity to enter into marriage and to divorce, or enjoy

equal rights with regard to maintenance, custody, guardianship and religious conversion of their children, and inheritance. It was concerned that polygamy was permitted for Muslim men under the Islamic Family Law (Federal Territories) Act 2006 and that the criteria for polygamy had become less restrictive following amendments to the original act of 1984.⁸⁴

2. Children⁸⁵

71. The United Nations country team noted that the lack of adequate information about required documentation meant that some children remained unregistered, especially in remote communities.⁸⁶

72. The United Nations country team commended the Government for introducing the Sexual Offences Against Children Act 2017 and the Child (Amendment) Act 2016, which required the establishment of a registry of convicted perpetrators. It noted that the Child Act 2001 still effectively permitted the sale of children, as it did not criminalize the giving or receiving of payment of expenses for non-bona fide adoptions or of dowries for non-bona fide underage marriages.⁸⁷

73. The ILO Committee of Experts urged Malaysia to take immediate and effective measures to ensure that the use, procuring or offering of a child under 18 years of age, by anyone, for the production of pornography or for pornographic performances was prohibited, as a matter of urgency.⁸⁸

74. The United Nations country team remained concerned that child marriages continued to be officially permitted in Malaysia.⁸⁹ The Committee on the Elimination of Discrimination against Women noted that child marriages continued to be permitted under both the Law Reform (Marriage and Divorce) Act and Islamic family law and that the rate of child marriages was increasing.⁹⁰ The Special Rapporteur on health recommended that Malaysia ensure that the legal age for marriage was set at 18 years of age, as established in international human rights standards, and do its utmost to eradicate and prevent child marriage and the negative effects it had on the health and well-being of girls.⁹¹

75. The United Nations country team urged the Government to review current detention policies, which provided that at the age of 12, boys in detention with their mothers be separated from their mothers and placed with adult males.⁹²

76. The United Nations country team encouraged the Government to ensure that vulnerable children were protected from child labour.⁹³ The Special Rapporteur on the right to food recommended that Malaysia assess and address child labour on plantations, including the impact of piecemeal wages and the lack of educational opportunities for the children of undocumented migrant workers.⁹⁴ The ILO Committee of Experts urged Malaysia to take effective and time bound measures to protect children of migrant workers from the worst forms of child labour, particularly in palm oil plantations. It also urged Malaysia to take the necessary measures to strengthen the labour inspection system to effectively monitor the implementation of labour laws so as to receive, investigate and address complaints of alleged violations of child labour.⁹⁵

3. Persons with disabilities⁹⁶

77. The United Nations country team recommended replacing the pervasive medical and charitable models of service provision for persons with disabilities by social and rights-based models. It also recommended ensuring the availability and accessibility of high-quality specialists able to conduct early diagnosis and assessments, and providing appropriate interventions for children with disabilities. It further recommended that Malaysia increase the quality and availability of inclusive education within mainstream schools, and eliminate discrimination against children with disabilities by lifting its reservations to the Convention on the Rights of Persons with Disabilities and signing the Optional Protocol thereto.⁹⁷

78. UNESCO stated that Malaysia should be encouraged to develop programmes to strengthen the integration of children with disabilities and refugees in its school system.⁹⁸

79. The Special Rapporteur on health recommended that Malaysia continue developing a system of user-friendly community-based services for children and adults with

developmental and psychosocial disabilities, and ensure that the rights of those persons were respected, promoted and protected in accordance with the standards set by the Convention on the Rights of Persons with Disabilities.⁹⁹

4. Minorities and indigenous peoples¹⁰⁰

80. The United Nations country team noted that, while indigenous peoples constituted a significant proportion of the population of Malaysia, they might often be overlooked in terms of human rights and sustainable development, and suffer more inequalities as a result. It encouraged the Government to incorporate the principles underlying the United Nations Declaration on the Rights of Indigenous Peoples into the legal and administrative processes. It urged the Government to prioritize indigenous peoples and other vulnerable groups in development planning and budgeting.¹⁰¹

81. The Special Rapporteur on health noted that health information was not always accessible in a culturally appropriate manner to the indigenous communities, and that language continued to be a barrier to accessing health-care services for indigenous communities. He also noted that the right to health of indigenous people was threatened by land-use changes caused by development projects linked to logging operations, palm oil plantations and energy-intensive industries in certain parts of the country, particularly in Sabah and Sarawak. He recommended that Malaysia take the necessary measures so that indigenous communities enjoyed their right to health by ensuring access to information and that health services were available, accessible, affordable, adequate and of good quality.¹⁰²

82. Regarding the indigenous peoples in Sabah and Sarawak, the Special Rapporteur on cultural rights noted the more than 400 cases of customary land disputes still awaiting judgment. The task force on that issue that had been announced at the previous universal periodic review was apparently unknown to some stakeholders, who had reported that they had not been approached or consulted about its work to identify and recognize customary lands.¹⁰³

83. She mentioned that she heard accounts of Orang Asli villages being displaced for infrastructure or large-scale development projects, which implied loss of their traditional land.¹⁰⁴

84. She expressed grave concern about reports of bullying of Orang Asli children in schools, which was contributing to the number of such children dropping out of school.¹⁰⁵

5. Migrants, refugees, asylum seekers and internally displaced persons¹⁰⁶

85. UNHCR recommended that the Government enact a legislative and administrative framework for the treatment and protection of refugees and asylum seekers, and establish appropriate mechanisms to receive, register, process and document asylum seekers and refugees. It also recommended that the Government put in place measures to regularize all UNHCR cardholders, permitting their legal temporary stay in Malaysia and access to the legal employment sector, as well as to formal education, health and other public services. UNHCR further recommended that the Government fully respect the principle of non-refoulement, in accordance with customary international law.¹⁰⁷

86. The United Nations country team welcomed the growing acceptance by law enforcement officials of UNHCR-issued documents (UNHCR cards, Certified True Copies of UNHCR cards, Asylum Seeker Certificates and appointment cards) and the reduction in detention of refugees and asylum seekers.¹⁰⁸

87. The Committee on the Elimination of Discrimination against Women was concerned that non-citizens were required to pay a deposit before they were admitted to public hospitals and that, under the Fees Act (Medical) 1951 for Foreigners, public hospitals charged them higher fees than they did Malaysian nationals for the same health-care services.¹⁰⁹

88. UNHCR noted that refugees registered with UNHCR were able to benefit from reduced rates of 50 per cent off the foreigners' medical rates, but that those fees had doubled in 2016, placing the costs of some services beyond the reach of many. There was also a directive in place in public hospitals establishing that undocumented asylum seekers

and migrants who sought medical attention must be referred to the Immigration Department, which in recent years had led to significant numbers of unregistered asylum seekers being arrested and taken from hospitals directly to immigration detention centres, including women and their newborn babies.¹¹⁰

89. UNHCR stated that individuals who were unregistered continued to face a heightened risk of arrest and detention under applicable immigration law. In addition, registered individuals who were prosecuted for immigration and criminal offences, including for working without authorization, were transferred to immigration detention centres upon completion of their prison sentence. The immigration detention centres were chronically overcrowded and the conditions reportedly fell short of international and national standards. In March 2017, the Human Rights Commission of Malaysia had reported that more than 100 individuals had died in immigration detention centres in 2015 and 2016, some due to illness, possibly exacerbated by poor sanitation and food, physical abuse and a lack of medical care.¹¹¹

90. UNHCR recommended that the Government ensure that refugees and asylum seekers were not penalized for illegal entry or stay; that detention was used only as a last resort and where necessary, for as short a period as possible and subject to safeguards to prevent arbitrary and/or indefinite detention; implement the "alternatives to detention" pilot project for unaccompanied children and establish other alternative mechanisms, such as screening and referral protocols for unregistered women, children, victims of human trafficking and other vulnerable asylum seekers and refugees; and take measures to improve the oversight of the basis for and conditions of immigration detention to ensure they met international standards, including increasing funding, and enable the Human Rights Commission of Malaysia and other bodies to undertake independent monitoring.¹¹²

91. The ILO Committee of Experts noted with deep concern the continued abusive practices and working conditions of migrant workers, which might amount to forced labour, such as passport confiscation by employers, high recruitment fees, wage arrears and the problem of contract substitution. It urged Malaysia to strengthen the measures to ensure that migrant workers, including migrant domestic workers, were fully protected from abusive practices and conditions that amounted to forced labour.¹¹³

92. The United Nations country team noted that refugees and migrants faced difficulties in seeking to register the birth of their children due, inter alia, to ignorance of the law and of the procedure, and fear of arrest.¹¹⁴

93. UNHCR mentioned that while refugee children in Malaysia were able to access informal education through non-governmental organization or community-run schools, they were unable to access the formal education system and that only 35 per cent of school-age children regularly attended informal schools. The inability of parents to work legally also meant household incomes were often insufficient to support school costs and children were at risk of being sent to work or female children being married early instead of attending school.¹¹⁵

94. UNESCO stated that Malaysia should be encouraged to intensify its efforts to provide both primary and secondary education to refugees and to offer them equal opportunities in the field of education.¹¹⁶

95. The United Nations country team expressed hope that the Government would look into the issue of refugees and asylum seekers being "shaken down" or extorted for bribes by law enforcement and other officials, including in immigration detention.¹¹⁷

6. Stateless persons¹¹⁸

96. The United Nations country team stated that the issue of childhood statelessness remained critical, and that many stateless families experienced multigenerational statelessness. It noted that the Government did not collect comprehensive data on the extent of statelessness in Malaysia, including on stateless children.¹¹⁹ It welcomed the commitment of the newly elected Government to solve the problem of stateless Indians.¹²⁰

97. UNHCR stated that challenges remained in ensuring that the births of all children were registered in accordance with the law and that legal identification documentation was

properly issued. It noted that without regular status and proper documentation, stateless and undocumented individuals were at risk of arrest and detention and had limited access to employment, public education and government supported health care.¹²¹

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Malaysia will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/MYIndex.aspx.
- ² For the relevant recommendations, see A/HRC/25/10, paras. 146.1–146.35, 146.38–146.46, 146.76, 146.135, 146.166, 146.174 and 146.228–146.232.
- ³ See A/HRC/29/33/Add.1, para. 14.
- ⁴ See CEDAW/C/MYS/CO/3-5, para. 59. See also A/HRC/25/57/Add.2, para. 80 (a), A/HRC/29/33/Add.1, para. 111 (a), and A/HRC/29/38/Add.1, para. 91 (a).
- ⁵ See United Nations country team submission for the universal periodic review of Malaysia, para. 5.
- ⁶ See United Nations country team submission, para. 7. See also CEDAW/C/MYS/CO/3-5, paras. 10 and 12 (d), preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017, and A/HRC/29/33/Add.1, para. 111 (a).
- ⁷ UNHCR submission for the universal periodic review of Malaysia, p. 3. See also CEDAW/C/MYS/CO/3-5, para. 46, and A/HRC/29/33/Add.1, para. 111 (b).
- ⁸ See CEDAW/C/MYS/CO/3-5, para. 34.
- ⁹ *Ibid.*, paras. 42 and 44. See also A/HRC/29/38/Add.1, para. 91 (b).
- ¹⁰ See UNESCO submission for the universal periodic review of Malaysia, p. 6 and para. 24.
- ¹¹ See United Nations country team submission, para. 10. See also A/HRC/29/33/Add.1, para. 111 (a).
- ¹² For the relevant recommendations, see A/HRC/25/10, paras. 146.36, 146.48–146.49, 146.51–146.64, 146.74–146.75, 146.78 and 146.89–146.93.
- ¹³ See UNESCO submission, para. 1.
- ¹⁴ See United Nations country team submission, para. 48.
- ¹⁵ See CEDAW/C/MYS/CO/3-5, paras. 11–12. See also preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017.
- ¹⁶ See CEDAW/C/MYS/CO/3-5, para. 12 (c).
- ¹⁷ See United Nations country team submission, para. 13.
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*, paras. 21–23.
- ²⁰ For the relevant recommendations, see A/HRC/25/10, paras. 146.97–146.104.
- ²¹ See CEDAW/C/MYS/CO/3-5, paras. 19–20 (a).
- ²² See UNESCO submission, para. 18.
- ²³ See CEDAW/C/MYS/CO/3-5, para. 34.
- ²⁴ See A/HRC/29/33/Add.1, paras. 83 and 86.
- ²⁵ See <http://bangkok.ohchr.org/news/press/TransgenderwomeninMalaysia.aspx>.
- ²⁶ For relevant recommendations, see A/HRC/25/10, paras. 146.77, 146.105–146.115, 146.117–146.126 and 146.144.
- ²⁷ See United Nations country team submission, para. 25.
- ²⁸ *Ibid.*, para. 17.
- ²⁹ *Ibid.*, para. 16.
- ³⁰ *Ibid.*, para. 18.
- ³¹ See <http://bangkok.ohchr.org/news/press/Malaysia%20Disappearance%20Christians.aspx>.
- ³² For relevant recommendations, see A/HRC/25/10, paras. 146.47, 146.50, 146.127 and 146.147–146.148.
- ³³ See United Nations country team submission, para. 19.
- ³⁴ *Ibid.*, para. 24.
- ³⁵ See CEDAW/C/MYS/CO/3-5, para. 14 (b).
- ³⁶ See preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017.
- ³⁷ See CEDAW/C/MYS/CO/3-5, paras. 23–24.
- ³⁸ See <http://bangkok.ohchr.org/news/press/MalaysiaSecurityLaw.aspx>.
- ³⁹ For relevant recommendations, see A/HRC/25/10, paras. 146.152–146.165 and 146.167–146.170.
- ⁴⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15144&LangID=E.
- ⁴¹ See United Nations country team submission, para. 31.
- ⁴² See UNESCO submission, paras. 7 and 9.
- ⁴³ *Ibid.*, paras. 19–22.
- ⁴⁴ See preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017.

- ⁴⁵ See CEDAW/C/MYS/CO/3-5, para. 54.
- ⁴⁶ See preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017.
- ⁴⁷ Ibid.
- ⁴⁸ See United Nations country team submission, para. 32.
- ⁴⁹ Ibid., para. 30.
- ⁵⁰ For relevant recommendations, see A/HRC/25/10, paras. 146.131–146.134, 146.136–146.141 and 146.143.
- ⁵¹ See CEDAW/C/MYS/CO/3-5, paras. 25–26.
- ⁵² See A/HRC/29/38/Add.1, paras. 92 (d) and 96 (d).
- ⁵³ For relevant recommendations, see A/HRC/25/10, paras. 146.217–146.220 and 146.222.
- ⁵⁴ See United Nations country team submission, para. 41.
- ⁵⁵ See
www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::P13100_COMMENT_ID:3339364.
- ⁵⁶ See CEDAW/C/MYS/CO/3-5, para. 43.
- ⁵⁷ Ibid., para. 37.
- ⁵⁸ See
www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:P13100_COMMENT_ID:3295112.
- ⁵⁹ For the relevant recommendation, see A/HRC/25/10, para. 146.171.
- ⁶⁰ See United Nations country team submission, para. 47.
- ⁶¹ Ibid., para. 40.
- ⁶² For relevant recommendations, see A/HRC/25/10, paras. 146.79–146.80, 146.86 and 146.173.
- ⁶³ See United Nations country team submission, paras. 33 and 39.
- ⁶⁴ See A/HRC/25/57/Add.2, para. 80 (f).
- ⁶⁵ See United Nations country team submission, para. 49.
- ⁶⁶ For relevant recommendations, see A/HRC/25/10, paras. 146.176–146.184 and 146.186–146.190.
- ⁶⁷ See A/HRC/29/33/Add.1, paras. 18 and 111 (c) and (d).
- ⁶⁸ See CEDAW/C/MYS/CO/3-5, para. 35–36 (c).
- ⁶⁹ See A/HRC/29/33/Add.1, para. 111 (e).
- ⁷⁰ For relevant recommendations, see A/HRC/25/10, paras. 146.191 and 146.197–146.202.
- ⁷¹ See UNESCO submission, para. 13.
- ⁷² Ibid.
- ⁷³ Ibid., para. 14.
- ⁷⁴ See CEDAW/C/MYS/CO/3-5, para. 41.
- ⁷⁵ See preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017.
- ⁷⁶ See United Nations country team submission, para. 38.
- ⁷⁷ For relevant recommendations, see A/HRC/25/10, paras. 146.65–146.70, 146.87, 146.94–146.96, 146.128–146.130, 146.145–146.146, 146.175 and 146.192–146.196.
- ⁷⁸ See CEDAW/C/MYS/CO/3-5, para. 23.
- ⁷⁹ Ibid., para. 22. See also A/HRC/29/33/Add.1, paras. 44–45.
- ⁸⁰ See CEDAW/C/MYS/CO/3-5, paras. 23–24.
- ⁸¹ Ibid.
- ⁸² Ibid., para. 29.
- ⁸³ Ibid., para. 53.
- ⁸⁴ Ibid.
- ⁸⁵ For relevant recommendations, see A/HRC/25/10, paras. 146.71–146.73, 146.116, 146.149–146.151, 146.172 and 146.185.
- ⁸⁶ See United Nations country team submission, para. 44.
- ⁸⁷ Ibid., para. 45.
- ⁸⁸ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3279993.
- ⁸⁹ See United Nations country team submission, para. 46.
- ⁹⁰ See CEDAW/C/MYS/CO/3-5, para. 53.
- ⁹¹ See A/HRC/29/33/Add.1, para. 111 (h).
- ⁹² See United Nations country team submission, para. 47.1.
- ⁹³ Ibid., para. 44.5.
- ⁹⁴ See A/HRC/25/57/Add.2, para. 80 (g).
- ⁹⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3279993.
- ⁹⁶ For relevant recommendations, see A/HRC/25/10, paras. 146.204–146.208.
- ⁹⁷ See United Nations country team submission, para. 48.
- ⁹⁸ UNESCO submission, p. 6.
- ⁹⁹ See A/HRC/29/33/Add.1, para. 111 (w).
- ¹⁰⁰ For relevant recommendations, see A/HRC/25/10, paras. 146.88 and 146.209–146.216.

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- ¹⁰¹ See United Nations country team submission, paras. 54 and 57–58.
- ¹⁰² See A/HRC/29/33/Add.1, paras. 51–52 and 111 (j).
- ¹⁰³ See preliminary observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Malaysia, 21 September 2017.
- ¹⁰⁴ *Ibid.*
- ¹⁰⁵ *Ibid.*
- ¹⁰⁶ For relevant recommendations, see A/HRC/25/10, paras. 146.142, 146.221 and 146.223–146.227.
- ¹⁰⁷ UNHCR submission, pp. 3–4. See also CEDAW/C/MYS/CO/3-5, para. 45, and United Nations country team submission, para. 50.1.
- ¹⁰⁸ See United Nations country team submission, para. 51.
- ¹⁰⁹ See CEDAW/C/MYS/CO/3-5, para. 39.
- ¹¹⁰ UNHCR submission, p. 3. See also United Nations country team submission, para. 52, and CEDAW/C/MYS/CO/3-5, para. 39.
- ¹¹¹ UNHCR submission, p. 4.
- ¹¹² *Ibid.*, pp. 4–5. See also A/HRC/29/33/Add.1, para. 111 (o).
- ¹¹³ See www.ilo.org/dyn/normlex/en/Pp=NORMLEXPUB:13100:0:NO:P13100_COMMENT_ID:3279400.
- ¹¹⁴ See United Nations country team submission, para. 44.1.
- ¹¹⁵ UNHCR submission, p. 3. See also United Nations country team submission, para. 53.
- ¹¹⁶ See UNESCO submission, para. 15.
- ¹¹⁷ See United Nations country team submission, para. 53.
- ¹¹⁸ For the relevant recommendation, see A/HRC/25/10, para. 146.203.
- ¹¹⁹ See United Nations country team submission, para. 44.2.
- ¹²⁰ *Ibid.*, para. 3.
- ¹²¹ UNHCR submission, p. 2.
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5-16 November 2018

Summary of Stakeholders' submissions on Malaysia*

Report of the Office of the United Nations High Commissioner for Human Rights

1. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 7/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 52 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Human Rights Commission of Malaysia (SUHAKAM) recommended Malaysia to accede to the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of Racial Discrimination (ICERD), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) and International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED). It also recommended Malaysia to accede to the relevant Optional Protocols, withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child and Convention on the Rights of People with Disabilities (CRPD); implement the recommendations of the CRC Committee and CEDAW Committee; and submit the periodic reports to the CRC and CRPD Committees without further delay.²

3. SUHAKAM recommended Malaysia to amend the Employment Act 1955 to provide greater protection for all workers including migrant workers and domestic workers; to ratify the ILO Domestic Workers Convention, 2011 (No. 189); accede to the 1951 Refugee

* The present document was not edited before being sent to United Nations translation services.

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Convention and its 1967 Protocol, and in the interim, adopt a clear policy framework to address the rights of refugees.³

4. SUHAKAM recommended that its annual reports are debated in parliament, and that parliament establish a permanent parliamentary select committee on human rights.⁴

5. SUHAKAM recommended Malaysia to implement the recommendations of the Special Rapporteurs who visited Malaysia and extend a standing invitation to all special procedures.⁵

6. SUHAKAM recommended Malaysia to adopt policies that prohibit discrimination and violence on grounds of sexual orientation and gender identity.⁶

7. SUHAKAM recommended Malaysia to develop national indicators for the SDGs based on human rights principles and standards.⁷

8. SUHAKAM stated that the amendments to the Dangerous Drugs Act 1952 in December 2017, which removed the mandatory death penalty for drug related offences subject to certain conditions, was a positive development. Nonetheless, the death penalty still existed under the Dangerous Drugs Act 1952 and other laws. It recommended Malaysia to impose a moratorium on the use of the death penalty.⁸

9. SUHAKAM recommended Malaysia to abolish corporal punishment in schools and in the legal system and to reform investigation methods to end coercive and violent interrogation methods.⁹

10. SUHAKAM stated that around 650 deaths in prisons, immigration and police detention centres were recorded from 2015 to 2016 and recommended the placement of a medical officer at every detention centre.¹⁰

11. SUHAKAM recommended Malaysia to review laws to repeal provisions of detention without trial.¹¹

12. SUHAKAM stated that there was an alarming escalation of arrests and prosecutions under the Sedition Act especially in 2014 and was concerned about the Anti-Fake News Bill.¹²

13. SUHAKAM welcomed the National Action Plan on Anti-Trafficking in Persons 2016-2020 and the decision to establish a special court on human trafficking.¹³

14. SUHAKAM recommended Malaysia to review all relevant laws to set the minimum legal age for marriage for all males and females at 18 years old.¹⁴

15. SUHAKAM recommended Malaysia to revise the minimum wage regularly towards achieving an adequate standard of living for all.¹⁵

16. SUHAKAM recommended Malaysia to reduce the medical fees for non-citizens including refugees, migrant workers and stateless persons to ensure they can afford public healthcare services.¹⁶

17. SUHAKAM recommended Malaysia to provide access to formal education for all children regardless of citizenship or immigration status including migrant, refugee and stateless children.¹⁷

18. SUHAKAM stated that the judiciary created a commendable precedent in the case of Indira Gandhi by declaring that both parents have the right over a child's religion.¹⁸

19. SUHAKAM stated that non-citizen women married to Malaysian men are dependent on their husbands to maintain their legal status in the country, leaving the women in a vulnerable position especially in cases of domestic violence, estrangement, abandonment or death of the husband.¹⁹

20. SUHAKAM was concerned about the inadequate protection of the rights of persons with disabilities under the Persons with Disabilities Act 2010 as it did not provide a remedy to persons with disabilities when their rights have been denied.²⁰

21. SUHAKAM recommended Malaysia to recognize indigenous peoples' customary rights to land and expedite gazetting of indigenous land.²¹

III. Information provided by other stakeholders

A. Scope of international obligations²² and cooperation with international human rights mechanisms and bodies²³

22. Numerous organizations recommended Malaysia to ratify the ICCPR, ICESCR, ICERD, ICMRW, CRC, CAT, OP-CAT, ICCPED, ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), ILO Domestic Workers Convention, 2011 (No. 189), Convention Relating to the Status of Stateless Persons, the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees.²⁴
23. Many organizations recommended Malaysia to issue a standing invitation to the special procedures of the Human Rights Council.²⁵
24. Several organizations recommended Malaysia to withdraw all reservations to the CRC, CEDAW and CRPD.²⁶
25. JS3 and JS12 recommended Malaysia to fully implement the CEDAW recommendations.²⁷
26. International Campaign to Abolish Nuclear Weapons (ICAN) recommended Malaysia to ratify the UN Treaty on the Prohibition of Nuclear Weapons.²⁸
27. Human Rights Watch (HRW) recommended Malaysia to ratify the Rome Statute of the International Criminal Court.²⁹

B. National human rights framework³⁰

28. Amnesty International (AI) stated that the National Human Rights Action Plan (NHRAP) was a positive step, however, it failed to address challenges such as improving civic space and repealing restrictive laws on freedom of expression, assembly and association, as well as protecting human rights defenders.³¹
29. JS12 recommended Malaysia to appoint SUHAKAM as the coordinating, monitoring and evaluating institution for the NHRAP, and providing the resources to do so.³²
30. JS1 recommended Malaysia to reform the Immigration Act 1959/63 to legally exempt asylum seekers and refugees from arrest, detention and prosecution for irregular entry.³³
31. JS12 recommended Malaysia to enact a comprehensive anti-discrimination law.³⁴
32. Persatuan Orang Cacat Penglihatan Islam Malaysia (PERTIS) recommended Malaysia to amend the Federal Constitution to include discrimination based on disability.³⁵
33. Jubilee urged the Malaysian government to amend the National Registration Act to remove all mention of religion from the ID card.³⁶
34. JS13 recommended Malaysia to develop a National Action Plan on indigenous peoples, including in relation to their commitment to the 2030 Agenda.³⁷
35. JS18 recommended Malaysia to repeal laws that criminalize consensual sexual relations between adults, including Penal Code 377B, and repeal laws that criminalise transgender person on the basis of gender expression and gender identity.³⁸
36. JS4 recommended Malaysia to incorporate the results of the third UPR into the national human rights action plan for the promotion and protection of all human rights, taking into account the proposals of civil society.³⁹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination⁴⁰

37. JS7 stated that lesbian, gay, bisexual and transgender (LGBT) people faced some of the most severe reprisals, surveillance and violence online in the past few years.⁴¹

38. JS18 stated that the state actors maintained a sex and gender essentialist and binary position, and failed to grasp the root causes and structural discrimination that result in the marginalization of trans people,⁴² and recommended Malaysia to engage LGBTI human rights groups to address discrimination and violence against LGBTI.⁴³

39. JS7 reported that the state Islamic departments had introduced at least two mobile applications – “Hotline JAIS”, to report sharia offences; and “Hijrah Diri – homoseksual”, aimed at LGBT persons who are seeking to change their sexual orientation and/or gender identity.⁴⁴

40. International Women’s Alliance for Family Institution and Quality Education (WAFIQ) recommended Malaysia to fortify the existing Act 265, the Industrial Relations Act 1967, and Part VI of the Occupational Safety and Health Act 1994 by providing more protections against gender-based discrimination.⁴⁵

41. Ikatan Pengamal Perubatan & Kesihatan Muslim Malaysia (I-Medik) stated that the LGBT community reported that they were religiously discriminated by certain segments of the community⁴⁶ and recommended Malaysia to provide gender sensitization and human rights trainings to religious authorities.⁴⁷

Development, the environment, and business and human rights

42. Cultural Survival (CS) stated that projects such as dams, extractive industries, logging, and agribusiness continued to be licensed on customary native land, threatening indigenous food security, livelihoods, degrading biodiversity in forests, polluting water sources, and contributing to climate change.⁴⁸

2. Civil and political rights

Right to life, liberty and security of person⁴⁹

43. JS6 stated that Malaysia was one of the leading death-sentencing and executing states in the world. Capital punishment was provided for in six laws for more than 20 offenses and mandatory for 9 offenses, resulting in the lack of discretion for sentencing authority.⁵⁰

44. HRW and JS6 recommended Malaysia to immediately impose a moratorium on the use of the death penalty, enact legislation to eliminate the mandatory death penalty for all offenses, and take steps towards its abolition.⁵¹

45. JS6 recommended Malaysia to establish precise and transparent rules governing the execution process, especially on the notice of execution given to the death row inmate, their lawyers and their family.⁵²

46. Suara Rakyat Malaysia (SUARAM) and JS12 recommended Malaysia to eliminate all forms of cruel, inhuman or degrading treatments or punishment in the criminal justice system, in line with international human rights standards, including the practice of whipping and caning.⁵³

47. ADF International was concerned about the apparently religiously-motivated kidnapping of pastors and other individuals.⁵⁴ World Evangelical Alliance (WEA) urged Malaysia to ensure the wellbeing and safety of all religious workers.⁵⁵ SUARAM noted that the public inquiry by SUHAKAM into the kidnapping of pastor Raymond Koh was

derailed following the notice by the Royal Malaysian Police that a suspect had been charged.⁵⁶

48. Bar Council Malaysia (BCM) stated that the Prevention of Crime Act 1959 ("POCA") and Prevention of Terrorism Act 2015 ("POTA") re-introduced detention without trial. These laws gave police the power to detain a person for an initial period of 60 days, without access to legal representation or family.⁵⁷

49. JS1 noted that despite Malaysia's commitment during its second UPR cycle, no progress had been made towards satisfactorily improving its detention infrastructure to comply with international standards. Although the government took several initiatives in 2016 to enhance healthcare resources in its detention centers, they were still grossly insufficient.⁵⁸

50. JS2 stated that in June 2017, 56% of the prison population were drug related offenders.⁵⁹ Centre for Human Rights Research and Advocacy (CENTHRA) recommended Malaysia to adopt and implement necessary measures to improve the condition of prisons and to protect the rights of prisoners in accordance with the relevant international standards and norms.⁶⁰

51. Global Detention Project (GDP) was concerned that, male children were placed in the male adult facility and female children remained in the women adult facility. There were no provisions under law for the separation of unaccompanied minors.⁶¹ SUARAM was deeply concerned over the welfare and rights of minors and juveniles held under the criminal justice system.⁶²

52. JS1 stated that by detaining women refugees and asylum seekers, including those with further specific needs such as pregnant and lactating women, Malaysia breached its obligations under Articles 1, 2, 5(a), 12 of the CEDAW.⁶³

Administration of justice, including impunity, and the rule of law⁶⁴

53. BCM and JS12 referred to a landmark 2018 Federal Court decision nullifying the unilateral conversion of three minor children to Islam by their estranged father, after an eight-year legal battle. The judgment sets out clearly the position of the Sharia Court within the Malaysian legal system: that matters relating to sharia laws can only be heard if the statute provides for it. However, enforcement was weak and state-level Sharia enactments enabling unilateral conversions of minor children by their Muslim parent remained a concern.⁶⁵

54. Jubilee urged to make provisions under the constitution and sharia enactments to clearly state that sharia courts are subordinate courts and shall have jurisdiction only with respect to personal law matters solely regarding Muslims and not when either party are non-Muslims.⁶⁶

55. Religious Freedom in Malaysia (RFL) stated that the unclear jurisdiction of the Sharia Courts created practical problems for any Muslim who wished to leave the religion of Islam.⁶⁷

Fundamental freedoms and the right to participate in public and political life⁶⁸

56. JS3 noted that the religious tolerance for which Malaysia previously received positive recognition had regressed significantly in recent years. An official narrative of "identity politics" and "national unity" was premised on suppressing difference.⁶⁹ Tolerance of minority opinions and dissenting viewpoints had likewise deteriorated. Individuals from marginalized groups, including Shia Muslims and other religious minorities, LGBT people, human rights defenders (HRDs), women, journalists and artists had been acutely impacted by these developments.⁷⁰

57. ADF International and WEA were concerned about the rejection of individuals' religious and expressive rights, and acts of violence against religious minorities, particularly Christians.⁷¹ WEA called for pursuing and cultivating respect and accord amongst the majority religious group towards the rest of the minority religious groups.⁷²

58. JS16 stated that they were witnessing different standards between Muslims and non-Muslims⁷³ and were concerned about increasing Islamic fundamentalism and extremism.⁷⁴
59. Shia Rights Watch (SRW) stated that Shia Islam had been classified as deviant and that often their private activities were raided by the Islamic Religious Enforcement Officers.⁷⁵ Allied Coordinating Committee of Islamic NGOs (ACCIN) stated that Muslim converts faced discrimination in the workplace.⁷⁶
60. EMPOWER recommended Malaysia to hold more frequent inter-faith dialogues where diverse groups are invited and consulted, such as women and the LGBT community.⁷⁷
61. RFL, JS8 and JS9 recommended Malaysia to take measures to ensure that all persons, including Muslims, can freely exercise their right to freedom of religion and belief, without interference by the state and including the right to change their religion.⁷⁸ ADF International also recommended the right for Muslims to convert to a religion other than Islam without fear of legal sanction, and the right for a Malay person to identify as other than one who professes Islam as their religion, without compromising such person's identity as Malay.⁷⁹
62. JS9 was concerned that Syariah courts continued to criminalize apostasy and forbid Muslim Malaysians from changing their religion, and stated that non-Muslim Malays, who had been registered as Muslim by a clerical error or marriage, had been prohibited from changing their religion on their state identification cards or after they had divorced.⁸⁰
63. Reporters Without Borders International (RSF-RWB) noted that press freedom had failed to progress for many years.⁸¹ JS3 stated that in Malaysia, the government closely controlled the flow of information.⁸² JS4 was deeply concerned with the use of restrictive laws by the authorities to investigate and prosecute government critics and peaceful protesters in their exercise of the rights to freedom of expression and peaceful assembly, as well as to shut down independent media outlets.⁸³
64. JS4, JS7, AI and BCM stated the definition of 'fake news' in legislation was broad and vague and could easily include honest or marginal mistakes as well as statements that may be merely a matter of opinion. Acts falling under this definition would be punished severely with a fine or up to six years imprisonment, or both.⁸⁴
65. SUARAM, JS15 and Front Line Defenders (FLD) stated that HRDs faced judicial harassment, arbitrary arrest, death threats and intimidation. HRDs fighting corruption, campaigning for electoral reform and free and fair elections were particularly vulnerable and were targeted for participating in peaceful protests. LGBTI rights defenders also faced widespread discrimination and harassment.⁸⁵
66. JS4 stated that independent media outlets exposing government abuse often faced harassment and defamation charges or were blocked.⁸⁶ AI, RSF-RWB and JS4 recommended Malaysia to repeal the Sedition Act, drop all charges and quash convictions of individuals prosecuted under the Act simply for peacefully exercising their right to freedom of expression.⁸⁷
67. JS7, HRW and Organization for Defending Victims of Violence (ODVV) reported that websites posting critical material of the government, including corruption allegations, were blocked.⁸⁸ RSF-RWB stated that a war on independent media that previously managed to circumvent government control was launched.⁸⁹
68. ODVV stated that protesters advocating for electoral reform and raising awareness were subjected to physical attacks and intimidation, as well as death threats against their leaders.⁹⁰
69. JS13 stated that indigenous leaders within Jaringan Orang Asal SeMalaysia (JOAS) were still facing discrimination and harassment by the government and that their names were on the blacklist of the Immigration Department. Indigenous activists who were conducting activities in the community were often followed and monitored by the police Special Branch unit.⁹¹

70. JS12 and JS15 were concerned that COMANGO's involvement in Malaysia's previous UPR resulted in the Home Ministry declaring COMANGO 'illegal', and stated that Muslim-based groups in The Coalition of Muslim Organisations in the UPR organised hate and smear campaigns against COMANGO.⁹²

71. FLD recommended Malaysia to accept and fully implement the UPR recommendations on right to freedom of assembly and right to freedom of expression in a transparent and participatory manner with full involvement of HRDs at all levels.⁹³

72. BCM stated that cases continued before the courts on the constitutional position of the use of the word "Allah", given that government holds the view that the use of the word is reserved exclusively for the religion of Islam, relying on the decision of the Court of Appeal in the "Herald" Roman Catholic newspaper case. This had far-reaching repercussions for the right to freedom of religion, and freedom of speech and expression.⁹⁴ Concerned Lawyers for Justice (CLJ) raised a similar issue.⁹⁵ Jubilee and WEA stated that the discrimination continued against religious minorities in Malaysia regarding the use of the word "Allah".⁹⁶

73. Lawyers for Lawyers (L4L) and JS4 recommended Malaysia to halt amendments to the Legal Profession Act that could undermine the independence of the Malaysian Bar and ensure that lawyers can perform all their professional functions "without intimidation, hindrance, harassment or improper interference" as provided for in the UN Basic Principles on the Role of Lawyers.⁹⁷

74. Malaysian Youth Parliament (YPM) recommended Malaysia to create strategies for the inclusion of the youth as Members of Parliament, promoting quotas for the youth, and lowering the voting age from 21 to 18 years.⁹⁸

Prohibition of all forms of slavery⁹⁹

75. JS5 stated that exploitation of children through trafficking remained a challenge as Malaysia was a destination and a source and transit country for victims of trafficking.¹⁰⁰ JS10 stated that a large number of those women and girls are trafficked into domestic servitude by employment agencies in their home country or Malaysia or employers in Malaysia.¹⁰¹

76. JS5 stated that under Malaysian laws, prostitution was illegal and criminalised by the Penal Code. However, the Penal Code did not make a difference between exploitation of children in prostitution or exploitation of adults.¹⁰²

77. YPM stated that there was an increase in the operations of illegal orphanages that act as a facade for begging syndicates, sometimes with links to human trafficking.¹⁰³

78. JS14 stated that in January 2015, a raid on 28 human trafficking camps in Wang Kelian, Perlis (north of Malaysia) led to the discovery of 139 mass graves which was made public in May 2015.¹⁰⁴

79. JS5 recommended Malaysia to promote the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.¹⁰⁵

Right to privacy and family life¹⁰⁶

80. JS11 stated that the Federal Constitution did not allow "legally" married mothers to transfer nationality to their children born outside Malaysia on the same basis as "legally" married fathers,¹⁰⁷ and that men cannot transfer their nationality to their children if the child is born out of a legally recognised marriage.¹⁰⁸ JS11 stated that lack of birth registration can therefore provide a barrier for parents in conferring citizenship to their children.¹⁰⁹ JS11 recommended Malaysia to repeal gender discriminatory nationality laws and policies.¹¹⁰

81. Foreign Spouses Support Group (FSSG) stated that non-citizen spouses of Malaysians faced many challenges, despite living in Malaysia for years, raising children and establishing permanent homes. Their immigration status remained uncertain and in a situation of dependency on their Malaysian spouses for their legal status. They faced severe restrictions on their right to work and were constrained by the inability to open individual bank accounts and own affordable housing.¹¹¹ FSSG recommended Malaysia to remove all

the restrictions and amend laws and policies to grant foreign spouses the rights to reside and work in the country.¹¹²

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work¹¹³

82. JS4 stated that in law and practice, the freedom of association for workers in Malaysia remained unduly constrained and that migrant workers, who represent at least 15 per cent of the Malaysian workforce, were often coerced by immigration authorities or their employers not to join unions.¹¹⁴

83. JS1 recommended Malaysia to allow asylum seekers and refugees to obtain lawful employment and access to formal labour markets.¹¹⁵

Right to social security¹¹⁶

84. JS14 commended the government's move to introduce a minimum monthly wage in 2012, which was extended to authorised migrant workers in December 2013 and increased in December 2016 to RM1000 in Peninsular Malaysia and RM920 in Sabah, Sarawak and the federal territory of Labuan. However, domestic workers were specifically excluded from the minimum wage.¹¹⁷ As they were not considered as workers they are excluded from some of the rights accorded to employees under the Employment Act, such as provisions concerning their termination of contract, maternity benefits, rest days, hours of work, holidays, as well as termination, layoff and retirement benefits.¹¹⁸

Right to an adequate standard of living¹¹⁹

85. JS5 stated that in the past three decades, the country experienced a significant development transformation, which contributed to the reduction of poverty and income inequalities.¹²⁰

86. Centre for Alternative Policies in Economics (CAPE) noted that there were measures taken by the government to overcome the issue of inadequate affordable housing for low and middle-income households, but the issue of house unaffordability seemed to persist.¹²¹

Right to health¹²²

87. JS1 recommended Malaysia to urgently implement its second UPR cycle commitment to ensure universal access to affordable health services for poor, marginalized and vulnerable groups, such as asylum seekers and refugees, including by removing prohibitively expensive fees and charges.¹²³ Reproductive Rights Advocacy Alliance Malaysia (RRAAM) and JS14 recommended Malaysia to ensure that all non-citizens have universal access to healthcare without discrimination, in particular to provide a one-stop universal access to healthcare service for victims of violence at public hospitals regardless of their documentation status and without the need for a police report.¹²⁴

88. FSSG stated that children whose citizenship applications were delayed and children who were non-citizens with one Malaysian parent were not being provided with compulsory vaccinations in schools and were provided health care only until the age of twelve.¹²⁵

89. RRAAM was concerned about barriers to access for sexual and reproductive health-care in government health centers for unmarried women, migrant workers and refugee women.¹²⁶

Right to education¹²⁷

90. JS14 stated that non-citizen children lacked access to education at public institutions at all levels. While the Malaysian government has permitted some NGOs to set up informal schools for refugee and migrant children, thousands of children still had no access to education.¹²⁸ JS19 and JS20 recommended Malaysia to provide free elementary education in public schools.¹²⁹

91. CS stated that illiteracy led to women lacking knowledge about their rights as indigenous women, which made it difficult for them to use their voices when presented with such an opportunity.¹³⁰

92. RRAAM recommended Malaysia to establish comprehensive, rights-based and informed choice sexuality education as part of the school syllabus.¹³¹

4. Rights of specific persons or groups

*Women*¹³²

93. JS3 stated that women often experienced a disproportionately severe backlash for expressing their view and that there was the persistence of negative gender-based stereotypes in public discourse, in particular in the media and politics.¹³³ JS12 stated that the political environment is hostile to women, and in 2016, women's political participation remained poor, between 8% and 11% at the top most decision-making levels.¹³⁴

94. JS17 stated that Muslim women in Malaysia faced double discrimination – firstly, discrimination vis-à-vis Muslim men within the Islamic Family Law Act (IFLA) and secondly, discrimination vis-à-vis women of other faith, with Muslim women enjoying far fewer rights in marriage, divorce, guardianship of their children and inheritance.¹³⁵

95. JS12 recommended Malaysia to amend Section 375 of the Penal Code and all other related legislation, such as the Domestic Violence Act, and recognise stalking and rape and other forms of coercive sexual relations between married partners and unmarried intimate partners as crimes.¹³⁶

*Children*¹³⁷

96. JS17 stated that the number of child marriages had increased.¹³⁸ JS5 recommended to raise the age of marriage to 18 years of age for both girls and boys without exceptions.¹³⁹ JS17 was concerned that the age of marriage under the IFLA was 18 for men and 16 for women, with exception that they may marry at younger ages in certain circumstances with the permission of the Syariah judge.¹⁴⁰ HRW recommended Malaysia to create a national action plan for meeting SDG target 5.3 of ending all child marriage by 2030.¹⁴¹

97. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children was still lawful in all settings, including as a sentence for a crime and recommended Malaysia to enact legislation to explicitly prohibit corporal punishment in all settings, including under traditional/religious law, and repeal all legal defences and authorisations for its use.¹⁴²

98. JS1 and JS14 stated that the continued detention of asylum seeker and refugee children in immigration detention centres contravened the principle of the best interest of the child and breached Article 22 of the CRC.¹⁴³

99. BCM stated that children's civil and political rights had not been legislatively protected. Children below 15 years of age were prohibited from taking part in a public assembly, and children below 18 years of age from organising a public assembly.¹⁴⁴

100. JS17 stated that under the IFLA, where a child is born to a couple married for less than six months, that child is deemed to be born out of wedlock and in these cases the National Registration Department (NRD) refused to register the name of the biological father.¹⁴⁵ FSSG stated that even when a Malaysian father married the child's foreign mother, he would not be able to pass on citizenship to his child born out of wedlock.¹⁴⁶

101. JS17 recommended Malaysia to amend Section 88 of the IFLA to grant equal rights of legal guardianship to both mothers and fathers based on the best interests of the child.¹⁴⁷

102. WAFIQ recommended Malaysia to revisit poverty indicators, that include the nutritional status of children and relative income poverty and to implement policies that facilitate access to nutritious food.¹⁴⁸

*Persons with disabilities*¹⁴⁹

103. JS19 was concerned about the limited definition of a disabled person, defined in the Building (Federal Territory of Kuala Lumpur) (Amendment) By-Laws, 1992 as a person with a physical, hearing or sight impairment which affects the mobility or his use of buildings. This definition does not extend to the outside of the buildings and is therefore limited.¹⁵⁰

104. JS20 stated that only 0.26% of disabled people were working in the civil service, which was far below the 1% quota set.¹⁵¹ JS12 and JS19 were concerned that the majority of public transportation in the country was not disabled-friendly and some were dangerous for persons with disabilities to use.¹⁵²

105. PERTIS recommended Malaysia to design public-awareness programs to educate the Malaysian public on the ways to interact with disabled people.¹⁵³

*Minorities and indigenous peoples*¹⁵⁴

106. Jaringan Kampung Orang Asli Semenanjung Malaysia (JKOASM) stated that in 2013, 3 of the 8 recommendations concerning the rights of Indigenous Peoples were fully accepted by Malaysian Government and that the rejected recommendations were all in relation to native land rights.¹⁵⁵

107. SUARAM and JS3 stated that indigenous communities exercising their right to freedom of assembly had experienced arrest, assault and harassment by state authorities. More than 40 indigenous activists had been arrested since 2016 while defending their land against logging activities in Kelantan.¹⁵⁶ JS4 stated that community activists have also been arrested when organising peaceful protests to protect their land.¹⁵⁷

108. AI stated that the rights of the Temiar to their customary lands remained under threat and logging activities on the lands continued without the free, prior and informed consent of the communities.¹⁵⁸ JS12 stated that the non-recognition of Orang Asli customary land rights has led to many problems including encroachments and the loss of livelihood.¹⁵⁹ JKOASM recommended Malaysia to impose an immediate moratorium on Orang Asli claimed customary lands and resources to ensure that such areas are not encroached, alienated, appropriated and destroyed pending the official demarcation.¹⁶⁰

109. JS13 stated that violations with regard to land rights continued to be the main issue affecting the Orang Asal in Malaysia.¹⁶¹ JS13 stated also that the development programmes initiated by both the Federal and State governments had failed to properly consult the Orang Asal using the principle of free, prior and informed consent. The resettlement schemes that were established because of indigenous communities being displaced by dams did not guarantee a better quality of life for the Orang Asal to break out of the poverty circle.¹⁶²

*Migrants, refugees, asylum seekers and internally displaced persons*¹⁶³

110. JS1 stated that in Malaysia's second UPR cycle, the government made a commitment to improve its existing framework relating to the management and processing of asylum seekers and refugees. It stated that there had been no substantial progress¹⁶⁴ and that the absence of a legal or administrative framework left asylum seekers and refugees without legal status and formal rights, and put them at risk of arbitrary arrest, detention, refoulement, exploitation and other human rights violations.¹⁶⁵ JS1 recommended Malaysia to take concrete measures to eradicate all forms of abuse of refugee and asylum seekers in detention.¹⁶⁶

111. JS10 stated that the number of migrant workers in Malaysia was estimated to be around 4 million, which was composed of 2.5 million documented and 1.3 million undocumented migrant workers. They were employed in various labor sectors such as agriculture, construction, domestic work, manufacturing, plantation, the fishing industry and service industry.¹⁶⁷

112. JS12 stated that married migrants were completely dependent on their Malaysian spouses to maintain their legal status in the country, which disproportionately affected women and penalised children.¹⁶⁸

113. JS11 stated that the main population of stateless asylum seekers and refugees were Rohingya.¹⁶⁹

*Stateless persons*¹⁷⁰

114. CENHRA mentioned that it was estimated that there were nearly 300,000 stateless children, including approximately 20,000 undocumented Indians born in Malaysia without birth certificates, residing in Malaysia who denied their rights to travel, access to the public health system, and attend public schools. With no official status and documentation, they were at risk of detention and vulnerable to discrimination, abuse, exploitation and human trafficking.¹⁷¹

115. JS11 stated that there were 11,500 stateless persons and many individuals and groups who were denied the right to a nationality and may be stateless or at risk of statelessness.¹⁷² The majority of this population were of Tamil ethnicity.¹⁷³ JS11 recommended Malaysia to ensure universal birth registration in Malaysia, as a tool for protecting the right to a nationality and preventing statelessness.¹⁷⁴

116. JS20 recommended Malaysia to form a Special Task Force under the National Security Council to look into an appropriate mechanism with the aim of granting citizenship to stateless persons.¹⁷⁵

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ACCIN	Allied Coordinating Committee Of Islamic NGOS (Malaysia);
ADF International	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);
BCM	Bar Council Malaysia (Malaysia);
CAPE	Centre for Alternative Policies in Economics (Malaysia);
CENHRA	Centre for Human Rights Research and Advocacy (Malaysia);
CLJ	Concerned Lawyers for Justice (Malaysia);
CS	Cultural Survival, (United States);
EMPOWER	Empower (Malaysia);
FLD	Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders (Ireland);
FSSG	Foreign Spouses Support Group (Malaysia);
GDP	Global Detention Project (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (The United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
I-Medik	Islamic Medical and Health Practitioner Association of Malaysia (Malaysia);
JKOASM	Jaringan Kampung Orang Asli Semenanjung Malaysia (Malaysia);
Jubilee	Jubilee Campaign (The United States of America);
L4L	Lawyers for Lawyers (The Netherlands);
ODVV	Organization for Defending Victims of Violence (Malaysia);
PERTIS	Persatuan Orang Cacat Penglihatan Islam Malaysia – Association of Blind Muslims (Malaysia);
RFL	Religious Freedom in Malaysia (Malaysia);
RRAAM	Reproductive Rights Advocacy Alliance Malaysia (Malaysia);

RSF-RWB	Reporters Without Borders International (France);
SRW	Shia Rights Watch (The United States of America);
SUARAM	Suara Rakyat Malaysia (Malaysia);
WAFIQ	International Women's Alliance for Family Institution and Quality Education (Malaysia);
WEA	World Evangelical Alliance (The United Kingdom of Great Britain and Northern Ireland);
YPM	Malaysian Youth Parliament (Malaysia);
YP	Young Professionals (Malaysia).
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: Asylum Access Malaysia and the Asia Pacific Refugee Rights Network;
JS2	Joint submission 2 submitted by: Malaysia Drug Policy Movement Alliance, Suara Rakyat Malaysia and Persatuan Kebajikan Komuniti;
JS3	Joint submission 3 submitted by: ARTICLE 19, C4 Center, Diversity, Empower, ENGAGE, Freedom Film Network, Justice for Sisters, KOMAS, Malaysian Atheists and Secular Humanists, Pelangi, Projek Dialog, Seksualiti Merdeka, Sinar Project, Sisters in Islam and SUARAM;
JS4	Joint submission 4 submitted by: World Alliance for Citizen Participation and Pusat Komang;
JS5	Joint submission 5 submitted by: ECPAT International and End CSEC Network (Protect and Save the Children Association; Majlis Kebajikan Kanak-Kanak Malaysia - Malaysian Council for Child Welfare, Good Shepherd Services, Protect and Save the Children - P.S. The Children Malaysia);
JS6	Joint submission 6 submitted by: Anti-Death Penalty Asia Network (ADPAN), Ensemble contre la peine de mort (ECPM), The Advocates for Human Rights, Harm Reduction International (HRI), The World Coalition Against the Death Penalty (WCADP), Kuala Lumpur and Selangor Chinese Assembly Hall Civil Rights Committee (KLSCAHC/Malaysia); Malaysians Against the Death Penalty (MADPET);
JS7	Joint Submission 7 submitted by: Persatuan Kesedaran Komuniti Selangor (EMPOWER), Challenger Jaringan Rakyat Tertindas (JERIT), Justice for Sisters Knowledge and Rights with Young people through Safer Spaces (KRYSS), Pelangi Campaign Sabah Women's Action-Resource Group (SAWO), Sisters in Islam (SIS), Women's Centre for Change (WCC), Yayasan Chow Kit (YCK);
JS8	Joint Submission 8 submitted by: The Ethics & Religious Liberty Commission (ERLC) and the Religious Freedom Institute (RFI);
JS9	Joint Submission 9 submitted by: The Ethics & Religious Liberty Commission (ERLC) and the St. Charles Institute (SCI);
JS10	Joint Submission 10 submitted by: Franciscans International VIVAT International-Indonesia, VIVAT International, PADMA Indonesia;
JS11	Joint Submission 11 submitted by: Development of Human Resources in Rural Areas (DHARRA) Malaysia, Voice of the Children (VoC), Yayasan Chow Kit (YCK), Global Campaign for Equal Nationality Rights (GCENR), Statelessness Network Asia Pacific (SNAP), the Institute on Statelessness and Inclusion (the Institute);
JS12	Joint Submission 12 submitted by: Persatuan Kesedaran Komuniti Selangor (EMPOWER), Suara Rakyat Malaysia (SUARAM), All Women's Action Society (AWAM), Association of Women Lawyers (AWL), Asylum Access

Malaysia, Center to Combat Corruption & Cronyism (C4 Center), Centre for Independent Journalism (CIJ), Challenger, Community Action Network (CAN), Foreign Spouses Support Group (FSSG), Gerakan Pembebasan Wanita (GPW), Good Shepherd Welfare Centre, HAKAM, Imagined Malaysia, Jaringan Kampung Orang Asli Semenanjung Malaysia (JKOASM), Jaringan Orang Asal SeMalaysia (JOAS), Jaringan Rakyat Tertindas (JERIT), Justice For Sisters, KLSCAH Civil Rights Committee, Knowledge and Rights with Young people through Safer Spaces (KRYSS), Komuniti Muslim Universal (KMU), Lariche Community, Lawyers For Liberty, Malaysia Youth & Student Democratic Movement (DEMA), Malaysian Atheists & Secular Humanists (MASH), Malaysian Physicians for Social Responsibility, Migration Working Group (MWG), North-South Initiative (NSI), OKU Bangkit, PANGGAU, Pelangi Campaign, People Like Us Hang Out! (PLUHO), People's Service Organisation (PSO), Perak Women for Women Society, Persatuan Sahabat Wanita Selangor, Pertubuhan Pembangunan Kebajikan Dan Persekitaran Positif Malaysia (SEED), Projek Dialog, Pusat KOMAS, Sabah Women's Action-Resource Group (SAWO), Sarawak Women for Women, Seksualiti Merdeka, Sinui Pai Nanek Sengik (SPNS), Sisters in Islam (SIS), Society for the Promotion of Human Rights (PROHAM), Tenaganita, The Malaysian Feminist, Talisman Project, Tindak Malaysia, Universiti Kaki Lima (Sidewalk University), Women's Aid Organisation (WAO), Women's Centre for Change, Penang (WCC), Yayasan Chow Kit.

JS13

Joint Submission 13 submitted by: Asia Indigenous Peoples Pact (AIPP) and Jaringan Orang Asal SeMalaysia (JOAS) (PR Alutok, Tenom, Pr Alah Lanas, Sook Keningau, Pr Aarap Ulu Senagang, Pr Balat-Kuamut, Pr Badan Bertindak Kumpulan A, Pr G4 Kanibungan, Pr G5 Mangkawango, Pr G14 Telupid, Pr Gompito, Pr Imahit, Pr Jgpt Tongod, Pr K'd'vato, Pr Kast, Pr Komokitukod, Pr Kalabakan, Pr Kawakahan, Pr Lakang, Pr Montus, Pr Mamakat, Pr Monungkus, Pr Mongopud, Pr Mukakas, Pr Monongkad Tinungkusan, Pr Mawasi, Pr Nokikito, Pr Nambayan, Pr Pakat, Pr Piroton Dagaling-Kalampun, Pr Pusakag, Pr Kbkg, Pr Badan Bertindak Tanah Adat Kg Angkawangan, Pr Simpudu Simbuan, Pr Sinungkalangan, Pr Tinipot, Pr Tambatuon, Pr Tinungkusan, Pr Tonibung, Pr Tumungkus Sandad, Ajkb Baoh Chelum Dalat, Ajk Asan Bayu, Gap / Pelugau Balingian, Sibu, Ajk Bertindak Tanah Adat Kebuaw, Bawan, Gerubat, Ajk Bertindak Ncr Kg. Punan, Gerempong Anembiak Sekabai (Gias), Jawatankuasa Tindakan Rakyat Baram (Jrtb), Jawatankuasa Bertindak Rh. Sigai, Rh Sigan, Rumah Rajang & Tatu (Rata), Cicom, Ipimas, Persatuan Masyarakat T'ring Miri, (Ipdc) Indigenous Peoples Development Centre, Sarawak Indigenous Youth, Jkkk Tr Budin Tuyut Tinjar, Baram, Tahabas, Ntfr Ep (Malaysia), Adc Meradong, Panggau, Ajk Bertindak Spaoh Benat, Jkkk Pusat Jagoi, Wadesa, Bengoh, Gerakan Tanah, Block 7, Sedan, Dara Bagai, Jkkk Krokong, Jkkk Simunjan, Sadia Balai Ringin, Mebusa, Pemuda-Pemudi Sg. Limo, Persatuan Orang Asal Berkalalan, Lawas, Persatuan Penduduk Balingian, Sarawak Keruan, Kampung Bukit Limau-Sg. Nat, Jkkk Kg. Orang Asli, P. Kempas, Bukit Cheeding, Jaringan Orang Asli Bukit Tampoi, Jaringan Kampung Orang Asli Negeri Sembilan, Jaringan Kg. Orang Asli Perak (Jkoap), Jaringan Kg. Orang Asli Pahang, Jawatankuasa Bertindak Kg. Payah-Rekoh-Berdut, Gabungan Orang Asli Johor Selatan, Tompoq Tpo

- (Kg. Orang Asli Pulau Crey), Gabungan Orang Asli Pahang, Jkkl Pos Simpor, Gua Musang, Jaringan Kampung Pos Bihai, Jaringan Kampung Pos Balar (Jkpb), Badan Bertindak Tanah Adat Kampung Kundang, Badan Bertindak Tanah Adat Kampung Sungai Mok, Jaringan Orang Asli Kampung Mikang, Jawatankuasa Bertindak Tanah Adat Kampung Simpang Arang, Jawatankuasa Bertindak Kampung Jemeri, Jawatankuasa Bertindak Kampung Orang Asli Penderas, Jawatankuasa Bertindak Kampung Tanah Adat Kampung Orang Asli, Jawatankuasa Bertindak Kampung Orang Ali Ayer Bah, Jawatankuasa Bertindak Kampung Orang Asli Sungai Ulu Lawin, Jawatankuasa Bertindak Tanah & Wilayah Adat Kampung Orang Asli Pos Lanai, Jawatankuasa Bertindak Tanah Adat Kampung Orang Asli Kawa, Ajk Kampung Sungai Leyef, Ajk Bertindak Kampung Kedled, Ajk Bertindak Kampung Kembok, Ajk Bertindak Kampung Teras;
- JS14** **Joint Submission 14 submitted by:** Malaysian Trades Union Congress (MTUC), Caram Asia, Malaysian Social Research Institute (MSRI), Women's Aid Organisation, Tenaganita, Good Shepherd, Suara Rakyat Malaysia (SUARAM), Archdiocesan of Human Development, KL and Penang, Health Equity Initiative (HEI), Foreign Spouses Support Group, Penang Stop Human Trafficking Campaign, Asylum Access, North South Initiative, PS the Children, New Thesallionious Apostolate, Association of Women Lawyers (AWL), Building and Woodworks International (BWI), Lawyers for Liberty, Messrs CR Selva, Our Journey;
- JS15** **Joint Submission 15 submitted by:** Persatuan Kesedaran Komuniti Selangor (EMPOWER), Jaringan Kampung Orang Asli Semenanjung Malaysia (JKOASM), Jaringan Orang Asal SeMalaysia (JOAS), Justice For Sisters (JFS), Komuniti Muslim Universal (KMU), Lawyers For Liberty, Sisters in Islam (SIS), Pelangi Campaign, Suara Rakyat Malaysia (SUARAM);
- JS16** **Joint Submission 16 submitted by:** Association of Women Lawyers (AWL), Komuniti Muslim Universal (KMU), Projek Dialog, and Sisters in Islam (SIS);
- JS17** **Joint Submission 17 submitted by:** Musawah and Sisters in Islam (SIS);
- JS18** **Joint Submission 18 submitted by:** Justice for Sisters, Knowledge and Rights with Young people through Safer Spaces (KRYSS), Transmen of Malaysia, Seksualiti Merdeka, Pelangi Campaign, and Center for Independent Journalism (CIJ);
- JS19** **Joint Submission 19 submitted by:** Persatuan Peguam Muslim Malaysia (PPMM), Persatuan Perubatan, Pengubatan & Kebajikan Islam Malaysia (DARUSSYIFA), and Gerakan Peguam Muda Muslim (GPMM);
- JS20** **Joint Submission 20 submitted by:** Centre for Human Rights Research and Advocacy (CENTHRA), Allied Coordinating Committee of Islamic NGOs (ACCIN), Persatuan Peguam-Peguam Muslim, Malaysia (PPMM), Islamic and Strategic Studies Institute Berhad (ISSI), Ikatan Pengamal Perubatan dan Kesihatan Muslim Malaysia (I-MEDIK), Darul Insyirah, Pertubuhan Muafakat Sejahtera Masyarakat Malaysia (MUAFAKAT), Persatuan Orang Cacat Penglihatan Islam Malaysia (PERTIS), Persatuan Belia Islam Nasional (PEMBINA), Concerned Lawyers for Justice (CLJ), Pertubuhan Ikatan, Kekeluargaan Rumpun Nusantara (HARUM), Gabungan Peguam Muslim Malaysia (i-PEGUAM), Ikatan Muslimin Malaysia (ISMA), Majlis Ittihad Ummah, Pusat Kecemerlangan Pendidikan Ummah (PACU),

Persatuan Peguam Syarie Malaysia (PGSM), CONCTEN (Coalition of Sabah Islamic NGOs), Harakah Islamiah (HIKMAH) | Lembaga Al-Hidayah | Malaysian Chinese Muslim Association (MACMA), Sarawak, Halaqah Keruan Muslim Sarawak (HIKAM), Pertubuhan IKRAM Negeri Sarawak, Pertubuhan Kebajikan Islam Malaysia (PERKEMIM), Cawangan Sarawak, Angkatan Belia Islam Malaysia (ABIM), Negeri Sarawak, Yayasan Ikhlas Sarawak, Persatuan Ranuhabban Akhi Ukhti (PRAU), Ikatan Graduan Melayu Sarawak (IGMS), Persatuan Kebangsaan Melayu Sarawak (PKMS), Sukarelawan Al-Falah YADIM Sarawak, Persatuan Kebajikan Masyarakat Islam Subang Jaya (PERKEMAS), Young Professionals, Pertubuhan Damai & Cinta Insani (PENDAMAI), Yayasan Ihtimam Malaysia, Persatuan Amal Firdausi (PAFI), Persatuan Jihad Ekonomi Muslim Beratu Malaysia, Yayasan Himmah Malaysia (HIMMAH), Persatuan Syafaqah Ummah (SYAFAQAH), Gabungan Persatuan Institusi Tahfiz Al-Quran Kebangsaan (PINTA), Malaysian Lawyers Circle (MLC), Persatuan Kebajikan Masyarakat Islam Subang Jaya (PERKEMAS), The International Women's Alliance for Family Institution and Quality Education (WAFIQ), Centre for Alternative Policies in Economics (CAPE), Muslim Youth Movement of Malaysia (ABIM), International Relations and Diplomacy Committee Malaysian Youth Parliament (PBM), Majlis Tindakan Ekonomi Melayu Berhad (MTEM), WADI Malaysia, Human Security and Peace Scholars Network (HOPE), Perguruan Belia India Muslim Malaysia (GEPIMA).

Joint Submission 21 submitted by: Sabah Islamic Future Network (SIFN), Sabah Muslim Lawyers Association (AMAL), Muslim Youth Movement Malaysia, Sabah (ABIM), HALUAN, Hidayah Centre Foundation, Sabah (IKRAM), Women Welfare Association Sabah (PERTIWISA), Ummi Islam, Sabah, Wadah Pencerdasan Umat (WADAH), Malaysian Chinese Association Malaysia (MACMA), Sabah Graduates Association (PSS), Initiative for Generations (IFG), Ranau Orphanage Sabah (RPH), Tuaran Orphanage Sabah (HOME), SALIMAH, Iranun Graduates Sabah (PAGISA), Itmam Foundation, Amal Foundation, Malaysia, SAHABAT, Muslim Scholars Malaysia.

National human rights institution:

SUHAkam

Human Rights Commission of Malaysia

- ² SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 3-7.
- ³ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 47.
- ⁴ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 52, 70.
- ⁵ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 9.
- ⁶ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 49.
- ⁷ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 72.
- ⁸ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 17-18.
- ⁹ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 22.
- ¹⁰ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 63-64.
- ¹¹ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 15-16.
- ¹² SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 10-11.
- ¹³ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 56.
- ¹⁴ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 39.
- ¹⁵ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 26.
- ¹⁶ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 31.
- ¹⁷ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 28.
- ¹⁸ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 32-33.
- ¹⁹ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, paras. 32-33.
- ²⁰ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 41.
- ²¹ SUHAKAM, submission to the Universal Periodic Review, Malaysia 2018, Third cycle, para. 44.

²² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

²³ For relevant recommendations see A/HRC/25/10, paras. 146.1-146.35, 146.38-146.46, 146.76, 146.135, 146.66, 146.174, 146.228-146.232.

²⁴ JS3, page 10; JS12, para. 10.4; JS12, para. 4.10; JS10, page 6; JS20, para. B.9; JS20, para. B.11; CS, page 7; SRW, para. 11c; SRW, para. 24j; FLD, para. 35.6; CENTHRA, para. 21.i. and para. 27.i; JS12, para. 1.3 - 1.7; AI, pages 6-7; SUARAM, para. 41; RSF-RWB, page 5; JS16, page 7, para. 5; JS6, page 3; JS 1, para. 7; JS14, paras. 14-15; JS19, page 6; JS13, para. 4.4.VIII; HRW, page 7; Jubilee, page 5; JS21, page 5.

²⁵ JS3, page 10; JS4, para. 6.5; CS, page 8; JS12, para. 1.3 - 1.7; JS16, page 8, para. 10; JS7, para. 63.

²⁶ JS5, para. 30; JS11, para. 47; JS1, para. 7; Jubilee, page 5; PERTIS, para. 7a.

²⁷ JS3, page 10 and JS12, para. 1.3 - 1.7.

²⁸ ICAN, page 1.

²⁹ HRW, page 4.

³⁰ For relevant recommendations see A/HRC/25/10, paras. 146.36, 146.48-146.49, 146.51-146.64, 146.74-146.75, 146.78, 146.89-146.93.

³¹ Amnesty International, page 1.

³² JS12, para. 3.3, and para. 3.8.

³³ JS1, para. 7.

³⁴ JS12, para. 4.20.

³⁵ PERTIS, para. 7b.

³⁶ Jubilee, page 5.

³⁷ JS13, para. 4.4.V.

³⁸ JS18, page 7.

³⁹ JS4, para. 6.6.

⁴⁰ For relevant recommendations see A/HRC/25/10, paras. 146.97-146.104.

⁴¹ JS7, para. 11.

⁴² JS18, para. 12.

⁴³ JS18, page 5.

⁴⁴ JS7, para. 40.

⁴⁵ WAFIQ, page 2.

⁴⁶ I-Medik, para. 2.

⁴⁷ I-Medik, para. 17.i.

⁴⁸ CS, page 2.

⁴⁹ For relevant recommendations see A/HRC/25/10, paras. 146.77, 146.105-146.115, 146.117-146.126, 146.144.

- ⁵⁰ JS6, page 1.
- ⁵¹ HRW, page 4; JS6, page 2.
- ⁵² JS6, page 6.
- ⁵³ SUARAM, para. 35; JS12, para. 10.5.
- ⁵⁴ ADF International, para. 14.
- ⁵⁵ WEA, para. 12.
- ⁵⁶ SUARAM, para. 18.
- ⁵⁷ BCM, para. 12.
- ⁵⁸ JS1, para. 24.
- ⁵⁹ JS2, para. 2.3.1.
- ⁶⁰ CENITHRA, para. 15.1.
- ⁶¹ GDP, para. 5.
- ⁶² SUARAM, para. 17.
- ⁶³ JS1, para. 31.
- ⁶⁴ For relevant recommendations see A/HRC/25/10, paras. 146.47, 146.50, 146.127, 146.147-146.148.
- ⁶⁵ BCM, para. 23 and JS12, para. 4.2.1.
- ⁶⁶ Jubilee, page 5.
- ⁶⁷ RFL, para. 6.
- ⁶⁸ For relevant recommendations see A/HRC/25/10, paras. 146.152-146.165, 146.167-146.170.
- ⁶⁹ JS3, para. 33.
- ⁷⁰ JS3, para. 34.
- ⁷¹ ADF International, para. 14; WEA, para. 1.
- ⁷² WEA, para. 16.
- ⁷³ JS16, page 1.
- ⁷⁴ JS16, page 1.
- ⁷⁵ SRW, para. 9.
- ⁷⁶ ACCIN, para. 10.
- ⁷⁷ EMPOWER, para. 9.3 (i). See also JS21, page 3.
- ⁷⁸ RFL, para. 24.2; JS8, para. 17; JS9, para. 16.
- ⁷⁹ ADF International, 19.a.
- ⁸⁰ JS9, para. 8 and para. 11.
- ⁸¹ RSF-RWB, page 1.
- ⁸² JS3, para. 2.
- ⁸³ JS4, para. 1.5.
- ⁸⁴ AI, page 4; JS4, para. 4.6; JS7, para. 9; BCM, para. 7.
- ⁸⁵ SUARAM, para. 24; FLD, para. 1; JS15, para. 1 and para. 22-25.
- ⁸⁶ JS4, para. 4.2.
- ⁸⁷ Amnesty International, page 3; RSF-RWB page 5; JS4, para. 6.3.
- ⁸⁸ HRW, page 2; ODVV para. 7; JS7, para. 16.
- ⁸⁹ RSF-RWB, page 4.
- ⁹⁰ ODVV, para. 9.
- ⁹¹ JS13, para. 4.3.
- ⁹² JS12, para. 5.2.2; JS15, para. 4.
- ⁹³ FLD, para. 35.4.
- ⁹⁴ BCM, para. 22.
- ⁹⁵ CLJ, paras. 25-28.
- ⁹⁶ Jubilee, para. 11; WEA, para. 6.
- ⁹⁷ L4I, para. 20d; JS4, para. 6.1.
- ⁹⁸ YPM, page 2.
- ⁹⁹ For relevant recommendations see A/HRC/25/10, paras. 146.131-146.134, 146.136-146.141, 146.143.
- ¹⁰⁰ JS5, para. 8.
- ¹⁰¹ JS10, para. 12.
- ¹⁰² JS5, para. 22.
- ¹⁰³ YPM, para. 7.2.
- ¹⁰⁴ JS14, para. 23.
- ¹⁰⁵ JS5, para. 42.
- ¹⁰⁶ For relevant recommendations see A/HRC/25/10, para. 146.221.
- ¹⁰⁷ JS11, para. 19.
- ¹⁰⁸ JS11, para. 20.
- ¹⁰⁹ JS11, para. 31.
- ¹¹⁰ JS11, para. 47.
- ¹¹¹ FSSG, para. 1.2.

- ¹¹² FSSG, pages 4-5.
- ¹¹³ For relevant recommendations see A/HRC/25/10, paras. 146.217-146.220, 146.222.
- ¹¹⁴ JS4, para. 2.5.
- ¹¹⁵ JS1, para. 7.
- ¹¹⁶ For relevant recommendations, see A/HRC/25/10, para. 146.171.
- ¹¹⁷ JS14, para. 3.
- ¹¹⁸ JS14, para. 2.5.
- ¹¹⁹ For relevant recommendations see A/HRC/25/10, paras. 146.79-146.80, 146.86, 146.173.
- ¹²⁰ JS5, para. 6.
- ¹²¹ CAPE, para. 9.
- ¹²² For relevant recommendations see A/HRC/25/10, paras. 146.176-146.184, 146.186-146.190.
- ¹²³ JS1, page 4.
- ¹²⁴ RRAAM, para. 1.1; JS14, para. 12.
- ¹²⁵ FSSG, para. 6.2.
- ¹²⁶ RRAAM, para. 2.
- ¹²⁷ For relevant recommendations see A/HRC/25/10, paras. 146.191, 146.197-146.202.
- ¹²⁸ JS14, para. 44.
- ¹²⁹ JS20, para. B.11; JS19, page 3.
- ¹³⁰ CS, page 5.
- ¹³¹ RRAAM, para. 1.3.
- ¹³² For relevant recommendations see A/HRC/25/10, paras. 146.65-146.70, 146.87, 146.94-146.96, 146.128-146.130, 146.145-146.146, 146.175, 146.192-146.196.
- ¹³³ JS3, para. 41.
- ¹³⁴ JS12, para. 4.1.3.1.
- ¹³⁵ JS17, para. 12.
- ¹³⁶ JS12, para. 4.8.
- ¹³⁷ For relevant recommendations see A/HRC/25/10, paras. 146.71-146.73, 146.116, 146.149-146.151, 146.172, 146.185.
- ¹³⁸ JS17, para. 28.
- ¹³⁹ JS5, para. 30.
- ¹⁴⁰ JS17, para. 26.
- ¹⁴¹ HRW, page 6.
- ¹⁴² GLEACPC, pages 1-2.
- ¹⁴³ JS1, para. 27; JS14, para. 12.
- ¹⁴⁴ BCM, para. 19.
- ¹⁴⁵ JS17, paras. 51-53.
- ¹⁴⁶ FSSG, para. 2.3.
- ¹⁴⁷ JS17, para. 56.
- ¹⁴⁸ WAFIQ, page 5.
- ¹⁴⁹ For relevant recommendations see A/HRC/25/10, paras. 146.204-146.208.
- ¹⁵⁰ JS19, page 1.
- ¹⁵¹ JS20, para. C.14.
- ¹⁵² JS12, para. 4.6.2; JS19, page 1.
- ¹⁵³ PERTIS, para. 16a.
- ¹⁵⁴ For relevant recommendations see A/HRC/25/10, paras. 146.88, 146.209-146.216.
- ¹⁵⁵ JKOASM, para. 4.
- ¹⁵⁶ JS3, para. 56; SUARAM, para. 30. See also JS4, para. 5.6; JS15, para. 24.
- ¹⁵⁷ JS4, para. 5.6.
- ¹⁵⁸ AI, para. 6.
- ¹⁵⁹ JS12, para. 4.5.2.
- ¹⁶⁰ JKOASM, para. 34.
- ¹⁶¹ JS13, para. 1.1; See also YP, para. 5.
- ¹⁶² JS13, paras. 2.3-2.4.
- ¹⁶³ For relevant recommendations see A/HRC/25/10, paras. 146.142, 146.223-227.
- ¹⁶⁴ JS1, para. 8.
- ¹⁶⁵ JS1, para. 2.
- ¹⁶⁶ JS1, para. 7.
- ¹⁶⁷ JS10, paras. 10-13.
- ¹⁶⁸ JS12, para. 4.1.2.1.
- ¹⁶⁹ JS11, para. 40.
- ¹⁷⁰ For relevant recommendations see A/HRC/25/10, para. 146.203.
- ¹⁷¹ CENTHRA, paras. 16-18.

¹⁷² JS11, para. 22

¹⁷³ JS11, para. 23

¹⁷⁴ JS11, para. 47

¹⁷⁵ JS20, para. B.9.
